File No. 294
1893.

Collection No.

Mysore Residency

26-6-'47

Pros. Serial Nos. 53-90.

Subject.

The Bangalore Municipal Law, 1897

Previous References.	Later References.

Blue).

(G-1085)—10-3-30—1,00,000.

Office of the Resident in Mysore.

_____ Branch.

Proceedings No. of the month of 190 .

Serial Nos. 53 to 77 of File 294 of 93 ~~of 190~~.

Proceedings number.	Subject and order.	Date of last order.	Previous Procee	
			Serial or Proceedings numbers and Branch	File or month.
	53. To Presidt commanting on the Sanitary Condition of the C+M.Stn			
	54. From Presidt stating that Bye. laws will be printed in English and hung up in a conspicuous part of the Commissioner office.			
	55. From Mun[l] Presidt fordg copy of bye laws passed at a meeting on	19/8/97		
	56. From Mun[l] Presidt fordg copy of Comm[rs] Resolution of	19/8/97		
	57. From Presidt fordg copy of Resol[n] passed at a Spec[l] Meeting on	19/8/97		
	58. From Presidt intimating not to make any alteration in the Eye.	Abeyance[d]		
	59. To Presidt. intimating the inability of the Resid[t] to approve the proposal.			
	60. To Presidt intimating to State the desire of the Commission to exempt every house building or land from the tax on building & lands.			
	61. To Presidt, Mun[l] com[rs] requesting to convene Letter No: 3505 of 24th ultimo + further remarks + circulate it to Commrs.			
	62. A letter from Dr Dobson asking to be furnished with a copy of this office letter forwdg Ross' Report to know the Resid[t]'s views on the report before being submitted to the Municipal Commissioners			
	63. To Dr Dobson forwdg the Letter as requested above.			
	64. Letter from A.M.Slight submitting a report intimating the absence of members on the days of Meeting.			
	65. From Consulting Engr for Railways requesting send a copy of Bangalore Mun[l] Regns for 1868.			
	66. A letter to Con: Engr for Rly Madras intimating that Regns have been repealed + Copy of a Law 1887 is enclosed.			
	67. Letter from Presidt Mul, com[rs] C+M.Stn intimating That the noted commrs form the Health Committee			
	68. Letter to Presidt, Mun[l] com[rs] intimating that nothing was done by the Health Committee between 14 11/96 & 27th returns.			
	69. From A.M.Slight Esq forwdg 20 copies of Corrigenda Slip to the B. Mysore Law of 1897 to be affixed to the copies of Law forded to this office			
	70. To Presidt, Mun[l] com[rs] Commanting upon the Mun[l] Law			
	71. Letter from A.M. Slight Esq forwdg copy of Commrs Resol[n] of 30th inst.			
	72. Letter to Mr Shaughnessy requesting to see Mr Robertson on Monday or Tuesday between 12+2 P.M. if convenient.			
	73. Letter from Shaughnessy, intimating that he will see Col: Robertson on Monday.			
	74. Proceedings of the Resid[t] in Mysore appointing Mr Shaughnessy as vice Presidt of Mun[l] com[rs] C+M.Stn			
	75 Placed in File No. 183			
	76. Do Do 99			
	77. From A.M.Slight a Letter forwdg copy of Comm[rs] Resolution + requesting Resid[t]'s approval of the same.			

Office of the Resident in Mysore.

_____ Branch.

Proceedings No. of the month of 190

Serial Nos. 78—87 of File 294 of 1893 ~~of 190~~

Proceedings number.	Subject and order.	Date of last order.	Previous Proceedi: Serial or Proceedings numbers and Branch	File or month.
	78. No. 4889 dt 16 11/97 to the Presidt, Mun[l] Comm[r] C+M. Stn conveying the Resident's approval to the bye-laws under clause 2 of section 32(1) of Bangalore Municipal Law & requesting to have it printed & hung up in some conspicuous part of the Commissioner's office.			
	79 -- placed in File No. 183/99.			
	80 -- Do — Do 99			
	81. A Notification from the C+M. Stn Municipal office dt 11 12/97 proclaiming that the Mun[l] Comm[r] of the C+M. Stn of Bangalore direct that the tax on buildings and lands be levied at the rate of 6% on the annual value thereof with effect from the 1st April 1898.			
	82. No. 5895 dt 24 1/98 from A. M. Slight Esq. I.C.S. forwg Resol[n] No. 3 of the Commissioner's dt 20 1/98 under Section 46(2) Bangalore Municipal Law 1897 exempting every house, the annual value of which is less than Rs 15/- from house tax &c for Resident's confirmation.			
	83. No. 623 dt 9 2/98. ~~from~~ to the Presidt, Municipal Comm[r] C+M. Station informing the confirmation of the above Resolution of the Mun[l] Comm[r] by the Resident.			
	84 -- -- Placed in File No. 183/99.			
	85 No. 2796 dt 27 7/98 from A. M. Slight Esq I.C.S. forwg for Resident's consideration the statement of defects in the Bangalore Municipal Law 1897 which have come to notice during the last year.			
	86 -- Placed in File No. 183/99			
	87. No. 400 dt 28 1/99 to Presidt, Municipal Comm[r] C+M. Stn communicating the Resident's remarks on the statement.			
	MUNICIPAL LAW.			
80-81	No. 242, forwarding to the Director-General of Supply and Transport a copy of the Bangalore—of 1897 and informing the Madras Government, Legislative Department, of the same.	21st Jan. 1903.		294

(Continuation of Note or Precis).

7. Submitted for orders - It may be necessary, notwithstanding the definite instructions in S 46, to specially mention Ladies of the I.N.A. in our notification. It is possible (?) that in face of those instructions these Ladies will be taxed - If any addition to the draft is necessary I would add " Ladies of the I.N.A are also exempted from the payment of any tax to the Munic: Comm:r on account of their profession as such in Civil Hospitals " I don't ~~know that the words "Nursing Sisters" are correct~~ or ordinarily used.

Note 20/8

Res"

8. The addition I have suggested will [illegible] meet the requirements of the case - OTC

21/8 Note 21/8

9 After issue of notification

Note 21/8

10. Notification issued - Sl. No. 52.
File resubmitted for some orders.

AG 23.8.97

11. Please read "Serials" 54 to 58 of this file.

As regards S. 54, I note that at para 9 of S 46 we said that every bye law under Section 32 should be printed in English & hung up in Office of Comm^rs & thought public^n in local papers unnecessary. Mr. Slight agrees but says that bye laws under certain clauses only will be printed etc. He omits clauses (c) and (f) too. I don't know why. I would reply that in addition to bye laws under the clauses mentioned by him those under clauses (c) and (f) should also, after they have received the approval of the Resident be printed in English etc as directed in para 9 of S. 46. This can be mentioned in replying L/L 55 RC

12. As regards S. 55. The bye laws under Sec 32 (c) and (f) may be approved & we may ask Pres^t to publish as directed at para 9 of S. 46. As regards the bye law under S. 32(f) I notice that mention is made of a tax under Sec 43 (water tax) The bye law merely follows Sec 60 KSE. of the law but there is at present no water tax under Sec 43 - This perhaps does not matter?

I do not quite understand objections bye law appears to me unobjectionable. If the part mentioned - If the part of the tax on buildings etc. is intended to be a delegation of the power of the Council it has been sufficiently worded - at present it merely repeats imperfectly the actual provision of the law - Please speak to me on this OK

13. Serial 56 is on the subject of a V. P. and is a reply to para 6 of Serial 46. We asked for the names of Comm^rs (if any) elected by Comm^rs to be V. P. and enquired what form of office the Comm^rs suggested.

(Continuation of Note or Precis).

The Commrs agree that the term should be 3 years but there is a difference of opinion as to who should be V. P. One party headed by President want the Secy but he is not a Commr & we asked for the name of a Commr. The other party headed by Mr Bird want Resident to nominate any elected Commr he thinks fit - The Resident is, I believe, averse to appointing under Sec 19 (2) the Secretary to be a Commr - The question arises whether a V. P is necessary - There has not been one since I've been here - If one is required, would Sansman do ? Kindly see Serial 22 of file 49 of 1897 - Some reply must go to this letter. under note

14. Serial 57 seems to me somewhat premature - At present we have a tax on buildings & lands at 5 p.c on annual value and a tax for lighting at 1 p.c and a conservancy cess. At S. 21 file 49 of '97 the Commrs proposed a tax on buildings & lands at 6 p.c. (to include lighting) and a scavenging tax at 2 p.c. This was permissible under Sections 41 and 42 of Act but the provisions of Sec 44 have to be fully complied with before these taxes can come into force - At present there is a tax on buildings etc at 5 p.c. and a lighting tax

Please say that I am unable to approve this proposal in its present shape - The Comrs should be given an opportunity of electing a Vice President if they prefer it & me to nominate one of the Comrs as V.P I will do so - The Act does not contemplate that I should be asked to appoint the Secy a Comr for the express purpose of nominating him to be a V.P - It seems however desirable that some responsible Comr should be elected as V.P; if possible with the unanimous vote of the Commrs

GK

30/8

at 1. p.c. and a conservancy cess but there is no Scavenging Tax. We can under Sec 46 (2) exempt houses etc from the tax on buildings & Lands (5 p.c) i.e. we can confirm this resolution qua tax on buildings & Lands but we can not confirm it qua the scavenging tax which is not in force. A reference to S. 21 file 49 of '97 seems to show that the Comm^rs intended that houses etc of the class they mention should be exempt from the proposed tax on buildings & Lands and the proposed scavenging tax

We might reply that the tax on buildings & Lands can not be raised by 1 per cent and the scavenging tax can not be imposed until the provisions of Sec 44 have been fully complied with - If it be desired to exempt every house building or land of the class mentioned in the Res^n from the tax on buildings & Lands as at present levied viz 5 per cent on annual value, this should be expressly stated.

} Legal Dept

15. As regards Serial 58 - This is a reply to (the latter part of) para 7 of Serial 46. We asked what were to be the authority & responsibilities of the Health Comm^rs & whether in addition to delegating such authority the Comm^rs proposed to give any powers to a Vice Pres^t or Comm^r or other officer - We are

(Continuation of Note or Precis).

Ford in reply that "no change in the executive administration is proposed" This was the opinion of a Sub. Comm^ee & the Comm^n unanimously agreed. In this connection please see Serial 21 of file 49 of '97 where in relates to Health Comm^n. They are to have no powers except that they may appoint one of their number as their Secretary. They may advise & report on any matter arising under Chapter V and VI of the Law & consider any matter the Pres^t chooses to refer to them under Sec 23.

As I have remarked elsewhere the Comm^n when they passed this Resolution had not seen S. 53 of file 294 of '93.

The letter under note (S.58) purports to be a reply to latter part of para 7 of S. 46 - we await a reply to the first part of that para.

Ker

Res^n. Mr Langford-Brooke - 30/8.

16. Please reply officially in answer to Serial 58 - note at Underlining that the Comm^n had not when passing this Resolution ~~Asst Sec^y~~ second delegation of powers ~~brought~~ requiring the Health Comm^n on the

19 August had the honor of receiving your letter No. 3505
of 24. of this month. wherein the Resolution
was recited: and also the Resolution of June
7 of your letter No. 3098. of 28 ultimo - I
request leave that at the approaching special
meeting which has been convened to
consider the former two letters there further
remarks may be taken into consideration, and
circulated in due time before the Council,
which the Council propose to delegate to
The powers of the Health Council are comprised
in the following sentence.

(Enter sentence marked blue & red A. paragraph 19 Aug)

It is obvious that this proposed delegation tends
to extinguish the utility of the Health Council and it merely
enables them to advise Council without requiring
them to do anything in particular - if and it is
only reasonable to suppose under such circumstances
that finding they have no real responsibility
or authority they will soon cease to take the

(Continuation of Note or Precis).

interest in their work which they will
under no effective constraint - Hence arises
the Present low power, under the Regis-
duplicate, except when the Health Comm^rs' Courts
cases which may or may not be exceptional, or
what appear which may so entirely unknown,
to ignore them altogether - I cannot help in
that this is the intention of the Govt and
I request that they will be good enough to
reconsider the matter in the light of this
foregoing remarks, and on the basis of
entrusting the Health Comm^rs and the
Officers
proposed of the Metropolitan Police powers
as will enable them to deal effectively
with the at present admittedly unperfected
Sanitation of the Metropolis. -

N.B
Please get this letter
written in M.S. change-
d some 30 copies in
print & the Rest in
print by the 2nd post
& Comm. tell him the reason.

31/8 DR

17. I submit draft reply to S. 56. in accordance with para 13 of Note –
also Draft reply to S. 57 as per para 14 of Note
also draft reply to S. 58 as per para 16 of Note.
Please see the new part in the latter added by me

} all approved by Resident.
KSE

18. As regards para 12 supra – please see S. 55 and it's enclosure – The former speaks of Bye-Laws under Section 32 (1) (e) and (f) – The latter speaks of a Bye Laws under clause (e) only. I think the part after "Tax on buildings & Lands" is meant to be a Bye-Law under clause (f) i.e. a delegation of powers
Sec 54 says the Comm^rs shall cause a list to be prepared etc
Sec 58 (1) says the Comm^rs may amend the list
Sec 56 (1) says the Comm^rs shall proceed to revise etc.
Sec 58 (2) contemplates tender of objection to Comm^rs and apparently disposal of objection by ~~petition~~ Comm^rs

Under the proposed Bye-Law for "Comm^rs" as regards Sections 54 and 58 (1) read "President" – and instead of the Comm^rs disposing of objections the Pres^t and at least 2 of the Comm^rs are to.

Perhaps there is no harm in this part of the proposed Bye Law – As for the rest of this Bye Law it is a kind of repetition of Sec 60 of the Law with one addition which I've underlined in blue pencil & with the words "the President shall remit" for "the Commission may remit" The meaning perhaps is that there is to be no option in the matter. Under the Law the Comm^rs

(Continuation of Note or Precis).

mas remir — They have now directed the Pres: to remit.

KSE
1-9.

19. The Resident spoke to me yesterday about Section 175 (1) (i) of Law. Please see para 8 of S.20 I think the case is as represented by me personally yesterday.

KSE 1-9.

20. I have spoken to Resident about para 18 supra. He desires me to note further & draft

21. On the sheets below I have transcribed the proposed bye Law and Section 60 of the Law. Additions, alterations & omissions are in red ink. As regards the first part of the bye Law (as transcribed) I notice that the word and between unoccupied "and unproductive" in the Law has been changed to "or" The "required notice" mentioned in bye. Law is the notice required by proviso to Section 60 (1) The Comm^r have changed "any period of not less than 60 consecutive days" into "a period of not less than 60 consecutive days in any year" - Section 60 (2) (b) is omitted altogether - The word "otherwise" occurring

in Section 60 (2) (c) appears to have been interpreted as meaning "so as to be unfit for occupation"

Instead of leaving it to the discretion of the President to remit such portion (if any) of the tax as he thinks fit the President is bound to remit acc^ to a scale laid down in the bye law if notice of vacancy has been given.

21. The word Commission has been used in the law in place of "President" intentionally i.e. to throw more responsibility on them. If the Comm^ delegate some of their powers, it may be urged that they should do so on certain conditions such as are to be found at the end of the bye law.
The Commission "may" in certain circumstances remit as seems to them equitable. They now order that President shall remit at certain rates & subject to certain conditions.
I submit a draft for approval.

KOZ
5/9.

Post (at Mysore)

22. Thanks. I think the draft bye-law ... conclusion ... draft bye-law. ... that there should be no delay ... before issue. ... bye-laws before ... Mysore,
7.9.47.

T. Govt. Prof
Kos. 8/9.

(Continuation of Note or Precis.)

23. The Fiscal Law confers certain rights and imposes certain duties on the Commonwealth which are to be exercised or performed by itself except where it has been expressly authorized ~~expressly~~ to delegate the performance and exercise of such duties & rights respectively to another. Further the duties and rights may be either of a judicial character or purely executive. Sec 25(1) enables the to delegate the current executive administration of any of its duties to a Vice President &c

In the absence of such delegation the executive administration of its duties is vested in the President by sec. 25(2). Sec 32(1)(f) provides for the delegation of its executive authority to the President &c

24. The preparation of assessment-lists under sec. 54(1) and the giving of notice fixing the times for their revision under sec 56(1) are executive duties which the President might perform under sec 25(2) without being authorized ~~delegated to him~~ in that behalf

25. Sec. 54(2) confers a power or authority on the Commonwealth which it may delegate to the President under sec. 32(1)(f)

26. The settlement of the assessment-list

being quasi?

As regards "public notice" See Section 184 - I purposely opposed Secs 55 & 56 from para 4 of my draft. KSE. 10/10

16

under sec. 57(1), its amendment under sec. 58, the preparation of a new list for every year or the adoption of the old one with necessary amendments under sec 59, and the remission of tax on unoccupied lands and buildings under sec 60(1) & (2), partake of the nature of judicial acts the exercise of which the Commrs cannot delegate to another. These are matters which the Commrs itself should decide

I do not follow his argument AK 16/9

27. It is therefore submitted with reference to the draft bye-laws in q^n that the Commrs may delegate to its President the power conferred on it by sec. 54(2). For reasons stated in para: 24 supra the delegation by the Commrs to the President of the duty imposed on it by secs 54(1) and 56(1) does not seem to be necessary. The powers conferred by secs 57(1), 58, 59 and 60(1) & (2) cannot be delegated for reasons submitted in the preceding para: of this note

AK
10/9/97.

28. Jud: Registrar. Please read middle of para 5 of S. 41. and note if you are still of same opinion. If you are, then assuming that the Res: may take another view, kindly note on latter part of ms draft bye-laws.

KSE 10/9.

(Continuation of Note or Precis.)

29. Govt. consists of three departments, (1) the Legislative, (2) the judicial, and (3) the Executive. The 1st makes the laws, the 2nd interprets and applies them, and the 3rd carries them into effect or secures their due performance. In this sense the Dominl Commons is an executive body and all Dominl matters are executive. It is probably in this wide sense that the word 'executive' has been used in para 5 of S.C. 41. But when we come to the provisions of the Dominl Law itself we find that the administrative functions of the Commons ~~may be classed under~~ may be divided into (1) deliberative and (2) purely executive. In its deliberative capacity it comes to a decision which it executes in its executive capacity. When I spoke of its rights and duties as being or partaking of a judl character I referred to its deliberative capacity. It is respectfully submitted that it

can only delegate its executive function
If we take the words "executive
administration" in secs 25 and
32(1)(f) to mean or include all
the rights and duties conferred or
imposed respectively, on the Commn
then it follows that the Commn
can delegate all its powers and
duties to a President, Vice President,
a committee or an officer of the
Commn; but I doubt very much
if the Legislature intended such
a thing. If such was the intention
different words would have
been used.

30. Granting that the powers con-
ferred on the Commn by sec 60 clauses
(1) & (2) can be delegated by it to
the President, the latter part of
the draft bye-law from the point
marked A by the President seems
to be unnecessary. The person to
whom the powers are delegated
can only exercise them subject to the
conditions and restrictions
imposed by law on the delegator

AHL
13/9.

(Continuation of Note or Precis).

31. This matter requires the orders of the Resident. Please read para 12, para 18 and paras 20 to 30 supra, also S. 55 of file.

The general question under discussion is the delegation by the Comm^rs of their executive powers (Section 25 of the Law) & the form which bye-laws as to such delegation should take [Sec 32 (1) (f)]

The particular question under discussion is how far the Comm^rs may delegate to the ~~Comm^rs~~ President or a Comm^n consisting of Pres^t & 2 or more Comm^rs. The duties & powers imposed & conferred on it in Sections 54 to 60.

32. The Resident when forwarding the new laws to the Comm^rs remarked (para 16 of S. 46) "The Resident presumes that the Comm^rs will delegate some at least of their functions in the assessment of taxes on immoveable property to 2 or more Comm^rs" & in doing so he had in view Sec. 54 & following sections. This seems to show that in July last the Res^t was of opinion, so far as he had studied the question, that the Comm^rs had the power to delegate functions which the Jud^l Registrar in para 26 supra deems to be of a judicial nature

33. The Comm^rs seems to have been of the same opinion vide Serial 55 of file & it's enclosure.

34. The Judicial Registrar is of opinion that the duties & rights of the Comm^n. are either of a judicial character or purely executive and that their administ^ve functions may be divided into (1) deliberative and (2) purely executive. In it's deliberative capacity the Comm^n comes to a decision which in carries out in it's executive capacity. He points out that Section 25 and 32 (1) (f) speak only of "current executive administ:" "executive administration" & "executive authority" and that the "executive administration" if not delegated to a V.P. etc. vests under Sec 25 (2) in the President.

Dealing with Secs 54 to 60 he remarks that the preparation of assessment lists (S:54(1)) & the giving of notice (S.56(1)) are executive duties which, as they have not been delegated under S. 25 (1), may be performed by the President under S. 25 (2): that the power conferred by Sec 54 (2) may be delegated to the President under S 32(1)(f) & that it does not vest in the President under S. 25 (2): that the settlement of the list (which means the hearing & passing orders on objections) under S. 57 (1), the further amendment of the list under S. 58 & the discret-ionary power conferred by Sec 59 contemplate the exercise of judicial functions which are quite distinct from executive functions and which therefore can be delegated to nobody: Lastly that the powers conferred on the

(Continuation of Note or Precis).

Comm:: by Sec 60 (1) and (2) partake of a judicial nature & therefore can not be delegated -

35. If the views of the Jud:: Regr: as regards Sections 57 to 60 are correct, it is very inconvenient & there must be great delay. Every objection to an assessment (Sec 57 & 58), every addition to or alteration in the list (Sec 58 and 59) must be heard and determined or approved, as the case may be, by the whole Comm:: or by such quorum as can be got together - The whole Comm:: again will have to decide whether or not to have a new list every year or stick to the old, and decide whether or not remissions are to be granted & if so, to what Extent - (Sec. 60)

36. I am in hopes that the Jud:: Regr:: is wrong:: I have drawn his attention to para 5 of Foreign's letter at S. 41 - It will be remembered that in S. 35/A we proposed as regards Section 50 that appeals against the assessment or levy of any tax should lie to "the District Judge x x x x the Sessions Judge etc.." The G. of I changed this to "the officer hoeding the appointment of District Judge x x x x the First Assis to the Resident etc" - They did this for a particular

reason viz "to accentuate the principle that the appeals provided for are executive matters to which the technicalities of judicial procedure are inapplicable" Now it seems to me that if appeals against the assessment of levy of a tax are executive matters the valuations or assessments appealed against are still more so

37. It is nowhere explicitly stated in the law who are to hear the objections to the valuations & assessments contemplated in S. 56 (2) or the objections to amendments referred to in S. 58 (2). The Comm^rs shall cause the list to be prepared (S.54) - the Comm^rs shall, it is true, give notice of the time when it will proceed to revise such list (S. 56) but the amendments made after such revision shall be authenticated by the signatures of not less than 2 Comm^rs (S.57). Does this mean that the list may be revised by a Committee of at least 2 Comm^rs if the Commission so choose (& the Pres^t agree)?

Look at Sec 74 of the 1st Regul^n - Had not Mr Young this section in mind when he drafted and the legis^ve Dept^t when they approved the draft? I think that for purposes of this Law the powers & duties of the Comm^rs must all be considered to be "executive matters"

copy at bottom of File I

(Continuation of Note or Precis).

38. Turning now to the enclo: to S. 55 and ms draft reply thereto it will be seen that the Comm^rs in their proposed bye Law mentions only Sections 54(1) 56 (2), 58 (1) and 58 (2) - They propose as regards 54 (1) and 58 (1) for "Commission" read "President" and as regards 56 (2) and 58 (2) that objections be heard by President & at least Two Commissioners.

In ms draft I mention Sections 54 (1), 54 (2), 56 (2), 57 (1), 58 (1), 58 (2) and 59 (and of course Sec 60 to which Comm^rs also refer tho' not by number).

Now if all the duties & powers imposed and conferred on the Comm^rs are executive matters falling under Sec 25, it might be urged that such of them as are proposed to be delegated to the President viz under S. 54 (1), 54 (2), 58 (1), 59 and 60 (1) and (2) actually vest in him under Sec 25 (2) but I think it will be better to formally delegate those powers under Sec 32 (1) (f). The power proposed to be given to a Comm^r to hear & dispose of objections

[Sections 56 (2) and 58 (2)] must of course be delegated under S. 32 (1) (f) -

39- Please see your remark in red ink at foot of my draft bye-Law - I put the last part in because of the words in my draft "subject to certain conditions" (para 4) and "with some additions for the guidance of the President" (para 5)

It will be seen from the bye Law sent up by the Commission (Sec 55) that while delegating certain powers to the President they instructed him how he was to calculate the remission e.g. in/s amount was to be proportionate etc-- in was to be calculated from date of delivery of notice and not to be granted unless notice was given- It seemed to me that these were the lines on which the Comm^rs would have proceeded under Sec 60 if they had reserved to themselves the powers given in that section and that having decided to delegate those powers they could lay down rules for the guidance of the person to whom they had so delegated - This is not inconsistent with Sec 32 (1) (f) "his or their powers" Under Sec 60 the Comm^rs can remit "as they think equitable"

Subject to your approval.

(Continuation of Note or Precis)

I see no objection to the President being given a free hand to remit as he thinks equitable but this is not what the Commrs have proposed - If you omit last part of my draft bye Laws, the draft must be slightly altered - With reference to the Govt Regn para 30 supra the Commrs propose to delegate to the Pres somewhat less powers than they themselves possess under the Law.

KSE
14/9-

Ref on return

40. The point I propose to decide in the F.A.N's Appl. seems to me is necessary.
The Authority provided for in the Law.
I cannot understand the Govt Regn argument where he enforces a hard & fast division between the power to issue a notice Sec 56(1) power to hear objections towards & Settle Limits & 56(2) 57 & onwards. Please ask Mr Krishna Rao to note briefly on the point

16/9 To Mr Krishna Rao for favour of note.
KSE 17-9-

41 The object of a Municipal Law is to create a Corporation within a certain local area for carrying out certain purposes connected with public safety, public health, public convenience &c&c. It is incumbent on the Corporation to make provision for all these matters, & these are termed the duties of the Corporation. To enable the Corporation to carry out the objects intended, they are empowered to do certain acts, such as impose taxes, raise money, interfere with private rights &c&c. These are called their powers. It is not be convenient for the Corporation as a

body to exercise all their powers &
~~duties~~ perform all their duties. They
are therefore empowered to delegate
some of their powers & duties to such
persons as are named in the Law.
But for obvious reasons it is undesirable
that they shd be empowered to delegate
~~all their powers~~ PSG the more responsible
portion of their powers & duties to others.
The Law therefore restricts the power
of delegation to such of the powers &
duties as are executive in their
nature. The question now arises
what portion of their powers & duties
can be called 'Executive' & what
portion not 'Executive'. This is for

(Banjalore Mpl Municipal)

Section in the Act which defines what are executive duty & what are not.

42. The Jud Regn of Seemandhra Mpl

opinion that as a Government consists of three Departments, the Legislature, the Jud & the Executive, a Municipal Govt. must also be divided into three such departments and that whatever functions do not fall within the Legislative & Jud. Departments, must be taken to be Executive functions, but as the power of levying & getting under Sec. 57(1) partakes of a judicial character, and falls within the Executive it must

behalf to fall under the Penal department (Prot) & that therefore such powers cannot be delegated either under Sect. 25 (1) or under Sect. 32 (f). But it appears to me that the Penal division behind more of the functions exercisable by a Court can only apply to Courts in the sense of the Sovereign or ruling power - with respect to Municipal Corporations, it can hardly be said that they have any Penal functions to perform. They are not required to interpret or administer the Law; on the other hand when prosecutions have been instituted and Penal Laws have been violated for something

done or omitted to be done under
the Civil Law or under the Criminal
Law, they have to make the ascertainment of the
Criminal & Civil Courts constituted
by part II. There may remain
a division that can be made of
the Civil functions they have to perform would be into (1) deliberative
& (2) executive. In their deliberative
capacity they deal with such
matters as determining what
terms should be imposed (Sec 44,
subsection 1), determining whether
any claims should be abandoned
or renewed (Sec 45), exempting

PSC
~~Person declared by~~ any person or class of persons, or any property or description of property from taxation (Sec. 46, Subsec 2), investing Mut. Fund in such securities as may be ~~determined~~ PSC approved by the President (Sec. 72, Subsec 1), transferring property vesting in Commissioner Her Majesty (Sec. 78), making by-laws under Sec. 84(1) giving powers to owners of shares to put into effect Variation of projecting from any other storey thereof (Sec. 86(3)) & making by-laws under Secs. 102, 106, 110 & 137(1) here powers & duties the Commissioner may delegate, but in turn

executive capacity may merely carry into effect the resolutions arrived at by them in their deliberative capacity, & there is no objection to this latter function being delegated. The distinction between ~~executive~~ PBC functions which may be ~~executive~~ PBC and executive & those which are not, may perhaps be stated to be broadly this: — Whatever the Municipal Commissioners is required by the law to do at a ~~special~~ PBC (X) meeting, and whatever it considers necessary for obtaining the sanction of the Board & or other higher authority, are executive; & whatever PBC can do otherwise is ~~executive~~ PBC.

(X) See Secs 44(1) 45 46(2) 86(3)

& See Secs 72(1) 75 ~~80(3)~~ PBC

43 If this view be correct, the power of hearing objns under Secs. 57(1) & the powers conferred by Secs 58, 59 & 60(1) are executive powers which can be delegated consistently with the spirit of the Act. I urge the Ptrs words underlined because so far as Secs 57(1) is concerned there seems to be an indication that the power can only be delegated to a Committee consisting of not less than 2 Commissioners, & they are required to certify the certain matters viz: they cannot certify to unless they have themselves heard the objections and settled

the light. This view seems to derive some support from the expression of the fact appears in para 6, that even appeals from the orders of the Ld Comm^r are expeditious matters. I also find on referring to sec 68 of the Bombay Act (III of 1888) that among the specific functions which the Commissioner may delegate PBR under sec 68(1), ~~sec 65(1)(2)~~ PBR more contemplates under sec 65(1) 2(2), that is, hearing objections against the assessment list &c, are mentioned. This may support

no view that the powers having objections is an executive matter

22/9/97

44- Submitted for final orders. Please see para 40 supra.

KSE
23/9.

Res

Please speak- CM

24/9

Spoken to AJ please issue.

CM

27/9

45 After issue send me this file with the file I gave you last week. "Finance of Music" (see 1.11.3 S4.)

KE. 29/9

Letter issued. File/Returned.

SE.70. AH (29.9.'97

46. With letter N. 3788 of the 3rd inst. 1897 A.77
the President, Municipal Commissioners of the
Station, forwards a copy of a resolution of
the Comm.rs of 21st October 1897 & asks for
the Resident's approval to the bye-laws, a re-draft
of which was forwarded with Sec. N. 70.

47. The President has merely alluded to the
draft ~~bye~~ without seeing a copy thereof as passed
by the Comm.rs. If approved, approval may be
conveyed to the bye-laws under Sec 3 20(f) of the
Municipal Law & the President may be requested
to publish it in the manner in which bye-laws
under 32 (1) (c) has been published (para 3 of S. 70)

Submitted.

11/11

AS.
10-11-97

12/11

Ref

Dft sent for approval

14.7.97

15/11

(Continuation of Note or Precis).

48 Please read S. 48, 75, 76 and 79- also Sec. 5 of the new Munic Law.

The encls. to S. 79 purports to be a list of buildings or Lands in the exclusive possession of the Military & it is desired that they be notified as such & therefore not subject to the new Law

49 I am a little doubtful about some of the places viz 24 to 26, 30, 31, 34 & 35?

Shall we ask Mr Slight for his remarks on the proposal?

KSE 20/12. Wd please

Resn 21/12

To Barrister

H 25/12 H 21/12

Wd submit for approval

H 29.XII.97

50 Was issued - but did you mean it to go unofficially?

KSE 2/1.

Resn

51 Mr Bissett handed in - Sending a file letter this to Bridgman & then for the Regs to return it here seems

Lahore cancellery. The matter for disposal was as
long exemplar as I have known with Chiefs
might easily have been dealt with by
secretary file/book and the papers likely to be
wanted for ultimate disposal (which have kept
here.

except the enclosed

M.B.

2/1

2/1

letter issued - Se. N. 80.

52. Vide letter No. 5895 dated the 24 Jan. 1898 Se 30-82
January 1898, the President Municipal
Committee C & Cantonment forwards, for the
Resident's confirmation a resolution of the
Committee exempting from house
tax every house, building or land
the annual value whereof is less
than Rs 15/- & which is the sole rateable
property of the owner -

53

(Continuation of Note or Precis).

53. The proposal came up to this office in August 1897 & it was noted upon in para 14 of note. It was then proposed to exempt such properties from Scavenging tax, but this tax is now excluded apparently because it has not yet been referred to ~~by~~ the Resident for his sanction -

54. Now that the provisions of Sec: 44 of the Municipal Law have been complied with in regard to the levy of the tax on buildings & lands at 6 p.c. on the annual value thereof, the proposal to exempt properties whose annual value is less than Rs 15/- maybe considered, & if found unobjectionable sanctioned -

55. Under Sec: 64 of the Bangalore Municipal Regulation of 1883, exemption was granted in case of properties whose annual value was less than fourteen rupees. It is now proposed to increase the value by one rupee -

Submitted for favour of orders whether the resolution maybe sanctioned -

File N. 408/97

It is Rs 14/- under the Madras Municipal Act.

Simply to the President, Municipal Commissioners
for approval.

AL
7-2-98 AL.

Letter issued – Se. No. 83.

56. In a letter No. 264 dated the 7th February 1898, the District Magistrate & Collector C & M Shahjahanpur, states, with reference to Se. No. 80, that after reference to the Municipality it has been found impracticable to exactly identify the lands etc in the exclusive possession of Military authorities from the list received with Se. No. 79 - Reference is being made to the Military Works Dept. in view to the preparation of a plan showing the Military buildings &c, & Mr. Slight promises a further report on the subject. O. 84

57. The promised further communication may be awaited — (Can wait - let us put up a month hence if no letter comes in the meantime)

AS.
11-2-98 AL

58 Submitted for orders: Perhaps we may await some time longer for the further communication promised by Mr. Slight in para 56 quote

AL
25-3-98 AL.

(Continuation of Note or Precis).

S-L 85

59. With this letter No. 2796 of the $\frac{27}{30}$th ultimo the Resident forwards a statement of certain defects in the Immt. Law, 1897, with the amendments he proposes and requests that if the Resident approves of the proposals the Govt. of India be moved to make the necessary amendments in the Law.

60. Sec. 61 - This section does not provide for the recovery of taxes ~~on landlords~~ from occupiers in default of payment thereof by the owners as sec. 87 of the repealed Regn of 1883 did; Sec. 205 of the Bombay Act contains such a provision subject to certain limitations.

61. Sec. 61 of the Immt. Law, '97, seems to have been based on sec. 60 of the Punjab Act. Sec. 121 of the Madras Act contains similar provision while the provisions of sec. 146 of the Calcutta Act are the same as those of sec. 87 of the Bengalee Regn of 1883. Thus it will be seen that the defect, if it is one, exists also in the Punjab [and Madras] Acts. Unless there is a practical difficulty in the Govt.

i.e. such money is payable by the owners under Sec 121. Ml 2/11

I think the Judl. Regr was overlooked Sec 205 of the Madras Act which says that unless the arrear is more than a year old it may be recovered from the occupier who may deduct from rent. HSE

Not Madras HSE

station in recovering house tax from the owners for reasons such as that they are not residents of the station, which, however, is not alleged as a ground for the proposed amendment, there seems to be no necessity to alter the provisions of sec. 61 so soon. It was at the suggestion of the Legislative Dept of the Govt of India that the Punjab Munl Act, 1891, was adopted as the model on which the Munl Law, Bangalore, was based (vide para 14 of Sl. 20). Therefore sufficient reasons should be assigned for suggesting to the Govt of India an alteration of the section in question. If, however, an amendment of the section be considered desirable, the proposed addition may be made subject to such conditions and limitations as are to be found in sec. 209 of the Bombay Act

I am inclined to agree - A case should be made out.

At present the procedure is

(1) Serve a bill on person liable i.e. owner - or if he does not reside here, on occupier vide Section 182.

(2) Next serve a notice of demand in same way.

(3) Then distrain & sell moveable property or sue in Court [vide Sec 186] KSE.

or Sec 205 Madras Act. KSE.

62. Sec. 76 - The President recommends that the provisions of sec. ~~116~~ 114 of the Munl Regn of 1883 may be added to this section. Similar provision is to be found in secs 213 & 214 of the Calcutta Act, secs 302 & 303 of the Bombay Act and sec. 244 of the Madras Act, but not in the ~~Bombay~~ Punjab Act. Sec. 76 of the Munl Law is a copy of sec. 81 of the ~~Bombay~~ Punjab Act. The proposed provision would

(Continuation of Note or Precis).

would apply to streets opened on private land by private persons. Unless there are private lands in the station on which their owners intend to lay out streets there is no need for the provision in question. As regards public streets there is ample provision in the Land Law. The President must show that there is need for the provision he proposes. The mere fact that similar provision is to be found in one or more of their Acts is not of itself sufficient to justify the proposal, especially in view of the fact that there is one Act (Bombay & Punjab) which contains no such provision and which has been followed in drafting our Land Law

63. Sec. 82. As this section does not provide against doors or openings outwards upon a public street so as to cause obstruction he proposes the addition to it of the provisions of sec. 122 of the Regn of 1883 which are similar to what is to be found in sec. 219 of the Calcutta Act, sec. 284 of the Madras Act and sec. 311 of the Bombay Act. There seems to be no objection to the addition of the proposed provision to this section, but sec. 87 of the Punjab Act of which

I concur in Jud. Regr's remarks. Mr. Slight says the proposed addition is "essential" Presumably then some private individual has applied or intends to apply for permission to lay out a new sheet – Sheet is defined at Sec 3(7) of Act – public have right of way – Again under sec 3(9) all sheets in the Station unless excluded by Sec 5 or 6, belong Municp. – No private person likely to apply to open out a sheet – Our Law contemplates only one kind of sheet – The Bombay Act defines
sheet
(ii) public sheet
(iii) private sheet
The Madras Act defines
(i) sheet
(ii) public sheet = contemplates
(iii) streets not public sheets.
The Calcutta Act does ditto.

KSE

The proposed addition refers to all doors gates etc "put up after the commencement of this Act" This being so, it seems to me that Comm: have the power they want vide Sec 83(1), 84(1)(a) and 85(f)

If I am wrong, then I would substitute "sheet" for "public sheet" in Mr S's proposal.

KSE.

it is an exact copy contains no such provision

64. Sec. 96. This is a copy of sec. 114 of the Punjab Act. The Provision considers the addition to it of the provisions of sec. 380 of the Bombay Act which are similar to which was contained in sec. 116 of the Regn of 1883, desirable. Sec. 323 of the Madras Act also contains provisions similar to what was contained in sec. 116 of the repealed Regn, but these refer to blocks of buildings and not to single houses. Please see Mr Lee Warner's remarks on the margin of sec. 116 of the repealed Regn. He considered that those provisions should be applied also to single houses. There is no such provision in the Calcutta Act. However, the proposed addition to the section seems desirable from a sanitary point of view though sec. 96 taken with sec. 95 of the Municl Law would diminish the evil to some extent. The provision is directed against huts and sheds which are in an insanitary condition. Attention is invited to the fact that under sec. 116 of the Regn of 1883 the Resident's sanction was necessary

I am inclined to think that the present powers suffice — Look at Sections 93, 95, 96, 99, 100 All these require a "notice" Then see Section 140 & 141 If notice be not obeyed, the Comm: can cleanse & charge owner or occupier Then again there is Section 137 (1) (d).

HSE.

65. Sec. 103 — The addition proposed to this section seems desirable

We have followed Punjab with some additions. See Madras sec 332 - bone not additions fall under place "from which offensive smells arise"?

(Continuation of Note or Precis).

66. Sec. 135. The reason assigned for an amendment of this section seems to be a good one and the proposed alteration is not objectionable. As the section stands it places too wide a power in the hands of subordinate officers of the Municipality Maharaja to whom the duty of inspection would ordinarily be delegated. Under the Bombay Act such power is exercisable only by the President while under the Madras and Calcutta Acts the decision rests with the Magistrate. (See Bombay Act secs 415-417, Calcutta Act sec. 363 and Madras Act sec. 367.) Under sec. 182 of the Regns of 1883 the orders of a Magistrate had to be obtained. The proposed amendment would enable the Medical Officer or the Magistrate to pass orders as to the disposal of the unwholesome food or drink. Sec. 135 of the Bombay Law is more or less a copy of sec. 100 of the Punjab Act but the power conferred by it is likely to be abused by the subordinate officers of the Municipality.

when article is perishable, otherwise by Magr. KSE.

As regards Calcutta Act however see Secs 365, 366. KSE.

I agree. KSE. I don't follow this remark. VK 24/1

67. Sec. 137 (1)(a). At present efficient control cannot be exercised over premises in which horses, cattle or other four footed animals are kept for hire, sale &c. The by-laws which the President submitted some time ago on this subject was objected to as ultra vires. Sec. 136 of the Regns

of 1883 contained the necessary provision. The section in question is a copy of sec. 119(1)(a) of the Punjab Act; but the other Municipal Acts contain such a provision (see Calcutta Act Secs 335 and 412(1), Bombay Act. sec. 394 and Madras Act Sec. 335)

I see no objection to the proposed alteration KSE

68. Sec. 137(1)(e)(i) - As pointed out by the President "cart-stands" are not included in the places specified in this section though Sec. 136 of the Regns of 1883 provided for their inspection and regulation. This clause is the same as clause (e) of sec. 119 subsection (1) of the Punjab Act with slight modification. The proposed insertion of ~~call~~ "cart-stands" in sec. 137(1)(e)(i) of the Municipal Law seems to be unobjectionable.

I agree. KSE.

69. Sec. 137(1)(e)(iii) - This does not provide for the defacement of public property. The amendment suggested seems desirable

KSE.

70. Sec. 137(1)(e). The proposed addition to this section will enable the Commr. to make bye-laws for the efficient control of the places specified in sec. 103, and for regulating the time and manner of transport of articles such as stone and for preserving safety and order in the streets. The President assigns good reasons for his proposals

As regards this, were not "conditions" (Sec 103(3)) and and power in Sec 104 Sub? see also Sec 137(1)(L)? KSE.

I agree. KSE. Madras Act Sec 413(m)

71. Secs. 151, 152. & 159 - The modifications proposed in regard to these sections seem be reasonable though the

the

(Continuation of Note or Precis).

I agree.
HSE.

the sections are only reproductions
of secs. 134, 135 and 142 respectively of
the Punjab Act..
Submitted for orders

16.8.98 I hope to take this up shortly - I've taken some notes - The Calcutta, Bombay, Madras & Punjab Acts have to be studied. The matter is not urgent HSE 12/9.

Please see orders on pages 5 & 6 of note - as the file was in Court and requisition for being limited with one file or another, the orders were not carried out. The work reminder to the Advocate & Collector sent for approval -

12/9.

Sent to Legal Affairs Dept. 12/9

Sec'y. Rev. 16/9

I have noted in the margin my views on each of Mr. Slight's proposals.

As regards Sec 61. if he finds the owner frequently defaults he can distrain & prepare to sell when owner would come to his senses. The service of notice is an easy matter & can be done in several ways.

As regards Sec 76 it has not been shown that the proposed addition is "essential"

As regards Sec 82. I think present powers suffice.

So also as regards Sec 96.

As regards addition to Sec 103 (1) I am doubtful.

The amendment proposed in Sec 135 is I think good.

I agree to amendment in Sec 137 (1) (a) and 137 (1)(E)(i).

As regards Sec 137 (1)(E)(iii) would a Mag.e always agree that sticking posters on trees defaces public property?

As regards power to make bye laws for control of places used for dangerous & offensive trades, even if the power to insert conditions, vide Sec 103 (3), does not suffice., the power to make bye laws is certainly given in Sec 137 (1) (b).

I agree to proposed addition to Sec 137 (1) (g)

Re transport along sheets of skins hides etc...

I see no objection to take power to make bye laws for regulating traffic

I agree to alteration in Sec 151.

As regards Sec 152 to flying of kites dangerous or likely to be? If so, is it not a "game"? The danger or likelihood of danger must be proved. There is not always danger.

I agree to proposed addition to Sec 159.

To enable Resr to study this case the Bombay, Madras, Calcutta & Punjab Acts as well as our present law & Late Regns will be required — This will form a large parcel - too much for the post - Mr Clarke must take 1st opportunity of submitting this case to Resr complete.

KSE

10/

(Continuation of Note or Precis).

Received 22:1-99.

Having to extensive afue correspce conducted without any extra Clerk- KSE

Mr Tuna has been very much alarmed -

a reply can be sent to the President on the

lines of the remarks made by me in the Note

attached to the President's letter of the 30 July last -

It being explained that I do not consider it

necessary to trouble the Q. of D with a reference

subsequently framed

connected with the Report of a Law which has designedly

passed on the a particular model. and from the

operation of, or defects in, which no appeal

inconvenience appears to exist to have arisen

Mr

Express -

22-1-99

KSE 24/1

Offr entr & appl.

24/ 26 1-99 KSE 26/1-

SE 29

Issued. W Lees 28.1.99

The promised further communication in Sec. No. 89 from the Colonial Secretariat may be awaited. The matter is now pending with the Military Works Ex. Committee Department Division at present.

H.J.
4-5-99

Resd. promptly. In Sec 80 we forwarded merely "for any remarks which the District Engineer may have to offer" a list of building sites which the Native Land considered should be excluded from the operations of the Native Land Law of 1897. District Engineer replied (Sec No 84) that he had not been able to identify all building lands sites on the list & had therefore referred to the Military authorities. This was quite proper. But now it appears that a certain strip of waste land claimed by the Military is held by the District Engineer not to belong to them who has asked them to state on what they base their claim.

Copied into the note in file No. 18/97

It seems clear that it is for the District Engineer to report whether the claim is covered by this Section. It is not his business to enter upon a discussion with the Military authorities, but merely to "offer" to us "remarks" on the claims. It will then be for the Resd. to decide whether vested

File No. 294
1893

288

RESIDENT'S OFFICE.

Office Note.

Telegram dated 15: January 1903
from the Under Sec^t, Legislative Dept

Resident's orders

Please send copy and advise
matters

Two drafts are submitted for approval
H.
19/1/03

S. 89890

Encl. Nos: 242 & 243 of 21.1.03

RESIDENT'S OFFICE.

—— :o: ——

NOTES AND PRECIS.

R. P B —6-05.—1,000

No. 3505, dated Bangalore, the 24th August 1897.

From—Captain K. D. Erskine, I. S. C., First Assistant to the Resident in Mysore.

To—The President, Municipal Commission, Civil and Military Station, Bangalore.

84-46

I am directed to address you in continuation of paragraph 7 of this office letter No. 3089, dated 28th July 1897.

2. The urgency arising out of the sanitary arrangements of Bangalore is so obvious that the Resident trusts the Municipal Commissioners will at once take steps to delegate such of their functions to the Health Committee and the Medical Officer as may be necessary to enable them to supervise the proceedings of the health and registration establishments effectively. Colonel Robertson has had an opportunity of discussing this matter at some length with you and Brigade Surgeon Lieutenant-Colonel Dobson, who is most anxious to assist in remedying all sanitary defects and you will be able to explain the Resident's views and intentions to the Commissioners.

3. Briefly stated they are that no system of sanitation in the Civil and Military Station is likely to be satisfactory which does not provide for the direct and immediate control by the Medical Officer, (Residency Surgeon), over all the proceedings of the health department. It is moreover absolutely essential that the Health Officer should be subordinate to the one officer who alone has the capacity for the efficient direction of sanitary measures. To place the Health Officer in direct and exclusive subordination to the President, keeping the Medical Officer in the back ground only to be called upon when questions arise which appear to require his advice or when an epidemic appears is to perpetuate inefficient control and needlessly to hamper very important work. As President you have a large variety of duties to perform and it is impossible that you can devote the time to sanitary matters which their extreme importance requires.

4. The Commissioners are, I am to mention, entitled to maintain their general financial control and if necessary to lay down general rules for guidance, but in order to ensure harmonious working detailed and irritating interference should as far as possible be avoided. If the Medical Officer is careful to maintain himself in close touch and constant communication with you in all matters affecting the sanitation, and improvement of the Station, and additionally in his capacity as Chairman of the Health Committee keep the Commissioners constantly informed of the progress of his business in order to explain and as far as possible to popularize the measures undertaken by the Health Department, the chances of friction or disagreement would be reduced to a minimum. The more independence, within certain prescribed limits, the Medical Officer is allowed to exercise the better. It is impossible for him to undertake the responsibility for the sanitation of the Station which should be imposed upon him unless he is given considerable latitude in working the health department and for this purpose if for no other it is very essential that there should be one head and central authority in all sanitary matters.

5. The delegation of the necessary powers under the new law to the Medical Officer and the Health Committee will not interfere in an appreciable manner with any of the legitimate functions of administrative control, such as the Commission as a body could reasonably claim to retain in its own hands, and the Resident trusts that the Commissioners recognizing the importance of securing the most competent agency for the supervision and control of sanitary matters will not hesitate to place Doctor Dobson in a position where he may be able to render effective assistance.

54

File 294/93

No. 2505

CIVIL AND MILITARY STATION, BANGALORE,

MUNICIPAL OFFICE.

DATED 24th August 1897.

A. M. SLIGHT, ESQUIRE, I. C. S.

PRESIDENT, MUNICIPAL COMMISSION,

C. & M. STATION, BANGALORE.

To

The FIRST ASSISTANT to the

RESIDENT in MYSORE.

SIR,

With reference to para 9 of your letter No.3098 dated 28"July 1897, I have the honor to inform you that Bye-Laws framed by the Commissioners under section 32-I, clause (a), (b) (d), (e) (g),(h), and (i) will be printed in English and hung up in some conspicuous part of the office of the Commission.

2. I do not consider their publication in the Local Newspapers to be necessary.

I have the honor to be

Sir.

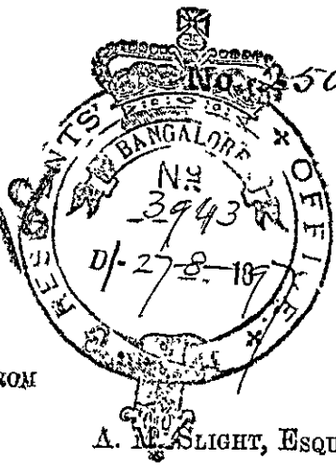
Your most obedient servant

President, Municipal Commission

Civil&MilitaryStationBangalore

55

No. 2506 with 1 encl.



Fwd 26/8

CIVIL AND MILITARY STATION, BANGALORE,

MUNICIPAL OFFICE.

DATED 24th August 1897.

FROM

A. M. SLIGHT, ESQUIRE, I. C. S.

PRESIDENT, MUNICIPAL COMMISSION,

C. & M. STATION, BANGALORE.

To,

The FIRST ASSISTANT to the

RESIDENT in MYSORE.

SIR,

I have the honor to forward, herewith, for the approval of the Resident Copy of the Bye-Laws passed at a Special meeting of the Commission on the 19th August 1897, under section 32-(1) clauses (c) and (f).

I have the honor to be

Sir

Your most obedient servant

President Municipal Commission

Civil&MilitaryStation,Bangalore.

Abstract of Proceedings of an Ordinary meeting of the Municipal Commissioners dated 19th August 1897

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3. Memo of proposals by the President regarding Bangalore Municipal Law 27

iii That the following Bye Law under Clause C. Section 32. Subsection (1) Bangalore Municipal Law 1897 be recommended for the approval of the President.

quorum.

At Ordinary meetings, 6 Commissioners shall form a Quorum.

Tax on buildings and land.

The Assessment list referred to in Section 54 and further amendments referred to in 58 shall be made by the President and all objections made under 56 (2) and 58 (2) shall be heard by the President with the Assistance of not less than two of the Commissioners of whom one shall by preference be summoned from the division in which the property to be assessed is situated. The President shall issue a Summons to the Commissioner or Commissioners naming the day and hour at which his or their attendance is required. The Commissioner or Commissioners so summoned shall be bound to attend

When any property assessed

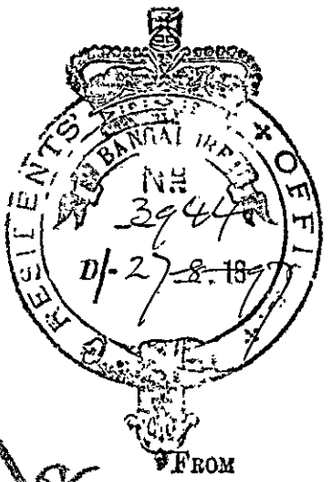
to this tax, or to a tax under sec: 43 has remained unoccupied and unproductive of rent throughout the year, or either of the half years April to September and October to March, the President shall remit the full amount of the tax or instalment due for such period provided that the required notice of Vacancy has been given.

When in any case not within the provisions of the above Bye-Law, any such property as aforesaid has not been occupied or productive of rent for a period of not less than 60 consecutive days in any year, or when such property is wholly or in greater part demolished or destroyed by fire or otherwise so as to be unfit for occupation, the President shall remit such portion of the tax at which such property is assessed for the year, as is proportionate to the number of days said property has remained unoccupied or unfit for occupation, provided that the owner of such house or his Agent shall have given to the President notice in writing of the Vacancy thereof and that the amount of tax to be remitted shall be calculated from the date of delivery of such notice.

Carried unanimously

(Sd) A. M. Slight
President

Copy.
T. Baker. Capt.
Secy: to the President



56

No. 2507 with 1 enel

CIVIL AND MILITARY STATION, BANGALORE,

MUNICIPAL OFFICE.

DATED 24th August 1897.

FROM

A. M. SLIGHT, ESQUIRE, I. C. S.

PRESIDENT, MUNICIPAL COMMISSION,

C. & M. STATION, BANGALORE.

TO

The FIRST ASSISTANT to the

RESIDENT in MYSORE.

SIR,

5.46

With reference to para 6 of your letter No.3098 dated 28"July I897, I have the honor to forward, herewith, copy of Commissioners' resolution No.3 dated I9"August I897, requesting the Resident to appoint the Secretary a Commissioner (under section I9 (2) of the Bangalore Municipal Law I897) and to nominate him as Vice-President for a period of three years.

I have the honor to be

Sir

Your most obedient servant,

President, Municipal Commission

Civil&MilitaryStation, Bangalore.

2964/93

Abstract of Proceedings of a Special meeting of the Municipal Commissioners for the Civil and Military Station, Bangalore dated 19th August 1897.

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3. Proposals as to Rules and Bye-Laws by the Committee appointed for that purpose.

Proposed by the President that the following recommendation of the Committee be approved:-

"Under Lee: 17. That the Resident be requested to appoint the Secretary a Commissioner and to nominate him as Vice-President for a period of three years, and that there is no necessity for more than one Vice President at present."

Amendment by Mr A. J. Bird That the words "appoint the Secretary a Commissioner and nominate him" be struck out, and the words "nominate an Elected Commissioner" be inserted

Seconded by Mr P. L. Bride.

The Amendment was put to the meeting and lost

7 for
9 against

The Original proposition was Carried

10 for, 5 against.

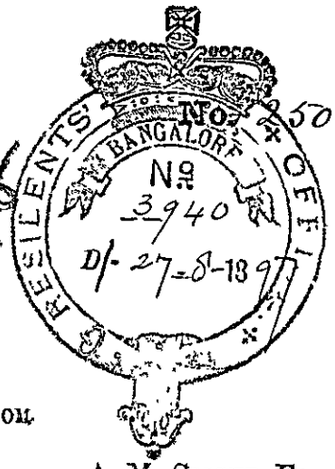
Sd/ A. M. Slight
President

Copy
J. Baker Captn.
Secretary to the President

57

Ks 26/8

3508 & 1 enel



CIVIL AND MILITARY STATION, BANGALORE,

MUNICIPAL OFFICE.

DATED 24th August 1897.

FROM

A. M. SLIGHT, ESQUIRE, I. C. S.

PRESIDENT, MUNICIPAL COMMISSION,

C. & M. STATION, BANGALORE.

To

The FIRST ASSISTANT to the

RESIDENT in MYSORE.

SIR,

I have the honor to forward, herewith, for favor of confirmation by the Resident, copy of Resolution passed at a Special meeting of the Commission on the 19th August 1897, under section 46 (2) of the Bangalore Municipal Law 1897, exempting from the tax on buildings and lands and also from the scavenging tax every house, building or land the annual value whereof is less than fifteen rupees and which is the sole rateable property of the owner.

* at present 5 p.c. KSE.

** does not exist yet KSE.

I have the honor to be

Sir

Your most obedient servant

President, Municipal Commission

Civil & Military Station Bangalore.

Abstract of Proceedings of a Special meeting of the Municipal Commissioners for the Civil and Military Station Bangalore dated 19th August 1857

x x x

3. Proposals as to Rules and Bye-Laws by the Committee appointed for that purpose.

x x x

That the Commissioners exempt from the tax on buildings and lands and also from the Scavenging tax every house, building or land, the annual value whereof is less than fifteen Rupees and which is the sole saleable property of the Owner.

Carried unanimously

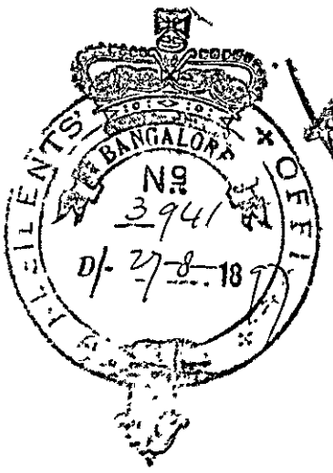
(Sd) A. M. Slight
President

Copy

T. Baker Captn.
Secretary to the President

58

No. 2509 + 1 encl



Civil and Military Station, Bangalore,
Municipal Office.
Dated 24th August 1897.

From

A. M. Slight, Esquire, I. C. S.
President, Municipal Commission,
C. & M. Station, Bangalore.

To

The FIRST ASSISTANT to the
RESIDENT in MYSORE.

Sir,

With reference to the concluding portion of para7 of your letter No.3098 dated 28th July 1897, I have the honor to inform you that the Commissioners are of opinion that it is not desirable at present to make any alteration in the Executive administration.

S. 46.

2. A copy of their* resolution on the subject is herewith forwarded for the information of the Resident.

* No:3 dated 19-8-97.

I have the honor to be
Sir
Your most obedient servant

President Municipal Commission.
Civil & Military Stn, Bangalore.

294/93

Abstract of Proceedings of a Special meeting of the Municipal Commissioners for the Civil and Military Station of Bangalore dated 19th August 1897

3. Proposals as to Rules and By laws by the Committees appointed for that purpose.

Resolved that the recommendation of the Committee under Sec: 25 "That it is not desirable at present to make any alteration in the Executive administration" be approved

Carried unanimously

(Sd) H. M. Elliot
President

Copy
T. Baker Captain
Secy: to the President

RESIDENT'S OFFICE.

Serial No. 59

File No.

[DRAFT].—For approval.

No. 3618

Dated 1st September 1897

To

The Pres^t Municip^l Comm^rs
C. & M. Station

Sir

I am directed to acknowledge receipt

S. 56 of your letter No. 2507 dated the 24th ultimo forwarding copy of Commissioners Resolution No. 3 dated the 19th idem in which the Resident is requested to appoint the Secretary to the Commission a Commissioner & to nominate him as Vice President for a period of three years

2. In reply I am to state that the Resident is unable to approve the proposal in its present shape — The Commissioners should be given an opportunity of electing a Vice President

If they prefer to ask the Resident to nominate one of their number as Vice Pres.t Col Robertson will do so - The Law does not contemplate that the Resident should be asked to appoint the Secretary a Comm.r for the express purpose of nominating him to be a Vice President - It seems moreover desirable that some representative Comm.r should be elected as Vice President, if possible with the unanimous vote of the Comm.rs

I have

&c

1/9

F. A. R.

RESIDENT'S OFFICE.

Serial No. 60

File No.

[DRAFT].—For approval.

No. 3619

Dated 1st Septr. 1897.

To

The Pres^n Munic^l Comm^rs

Sir

I am directed to acknowledge receipt

S.57. of your letter No. 2508 dated the 24th ultimo forwarding for confirmation by the Resident a copy of a Resolution passed at a Special Meeting of the Comm^rs on the 19th idem under Section 46 (2) of the Bangalore Municipal Law 1897, exempting from the tax on buildings & Lands & also from the scavenging tax every house, building or Land the annual value whereof is less than fifteen rupees & which is the sole rateable property of the owner.

2. In reply I am to observe that at the

same Special Meeting the Comm^rs passed a resolution proposing to raise the tax on buildings & Lands by 1 per cent and a resolution proposing the imposition of a scavenging tax.. These proposals can not come into effect until the provisions of Section 44 of the Law have been fully complied with & consequently the Resolution referred to in the preceding paragraph is premature - If however the Comm^rs desire to exempt every house building or Land of the class mentioned in that Resolution from the tax on buildings and Lands as at present levied viz 5 per cent on the annual value, this should be expressly stated

I have the

1-9

F.A.R.

No reply in file

No. 3620, dated Bangalore, the 1st September 1897.

From—Captain K. D. Erskine, I. S. C., First Assistant to the Resident in Mysor

To—The President, Municipal Commission.

I am directed to acknowledge receipt of your letter No. 2509, dated the 24th ultimo with which was forwarded, for the information of the Resident, a copy of a Resolution passed by the Commission at their special meeting on the 19th idem. In this Resolution the Commissioners approve the recommendation of a Committee appointed by them to the effect that "it is not desirable at present to make any alteration in the executive administration."

2. In reply, I am first of all to observe that, when passing their Resolutions regarding the Health Committee and general delegation of powers on the date above mentioned, the Commission had not seen my letter No. 3505 of the 24th ultimo. Next, the Resolution under acknowledgment does not deal with the whole of paragraph 7 of my letter No. 3098 of the 28th July last. Moreover the Resident understands that the letter last quoted was not laid before the Commissioners at the special meeting in question. Under these circumstances, I am to request that at the approaching special meeting which has been convened to consider the former of the two letters above mentioned, these further remarks may be taken into consideration and circulated in sufficient time beforehand to the Commissioners.

3. The powers which the Commission propose to delegate to the Health Committee are comprised in the following sentence:—

"The Committee may advise and report upon any question arising under Chapters V and VI of the Municipal Law, and the President may refer for their consideration any question relating to the matters referred to in Section 23 of the Municipal Law."

It is obvious that this proposed delegation tends to extinguish the utility of the Health Committee. It merely enables them to advise and report without requiring them to do anything in particular, and it is only reasonable to suppose under such circumstances that, finding they have no real responsibility or authority, they will soon cease to take the interest in their work without which they will render no effective assistance. Then again the President has power, under the Resolution as drafted, except when the Health Committee tender advice which may or may not be accepted, or submit a report which may go entirely unheeded, to ignore them altogether. Colonel Robertson cannot believe that this is the intention of the Commissioners and he requests that they will be good enough to reconsider the matter in the light of the foregoing remarks and on the basis of entrusting to the Health Committee, under the guidance of the Medical Officer, such powers as will enable them to deal effectively with the at present admittedly imperfect sanitation of the Civil and Military Station.

4. Thirty copies of this letter in print will be sent to you to-morrow so that they may be distributed among the Commissioners.

Residency Press, Bangalore.—2-9-97.—32.

28/8/59

My dear Erskine

I am sorry I was unfortunately detained for visiting the Hospital at my usual hours & so missed Colonel Robertson who had called there this morning. I missed him as came over to the Residency to see him about his visit but I set out soon to take from the Hospital and returning it to the Resident's Court-day I

felt strongly upon the
circumcision to turn to
the
the Epistle to the
Ephesians, to the Lunatic Asylum on
Monday; but as history
I will come to the Colonel
Robertson as I can more
conveniently to place before
them the
Card you kindly gave me
to be a copy of the
Special Letter forwarding

Ross' Report (which he submitted these ~~are~~ in June '96) to the Mpls President?" I can't find a copy of the letter in my office and I should be glad to see it. so as to learn the Resident's views on the Report before it was laid before the Mpls Commissioners.

Yours sincerely

A. D. Dobbin

Sec. W. Dobson's d/o - 11/1/9 Copy Sent

Send me copy of the letter he wants - If you've not got the file, try the little table to the left of my writing table in office

The letter Rec'd wishes me to send in in a file under my urgent disposal.

Copy sent 11/1/9.

KE

29-8.

Miss give me a copy of the Mtg. Min (dated 28th Dec. 1) in manuscript in file about Music - Last I gave you [illegible]

Submitted for perusal.

Kindly return as I have to take action on latter part

28/8 Sending contd. dtd. 28/8 OTC.

Rs.

Thanks. please tell Dobson I went to the Hospl mainly to see the wards on the lower level - on which there is no drainage. I will shortly see him on Thursday. Please send Dobson a copy of this letter he wants - & also of my last letter to the President

Bangalore 3rd Sept 1897.

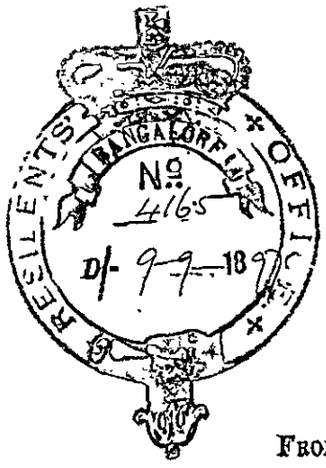
My dear Dobson,

Here is a copy of our letter to the President, Municipal Commission, forwarding Ross report which you asked for in your demi-official of the 28th ultimo. Here also is a copy of a letter which we recently sent to Slight about the Heath's Committee, and which will no doubt come before you at the next special meeting of the Commission.

The latter letter is sent to you at the Resident's request.

Yours sincerely
(signed) K McE Erskine.

Surgeon Lieut Col Dobson
Residency Surgeon



No. 2744

CIVIL AND MILITARY STATION, BANGALORE,

MUNICIPAL OFFICE.

DATED 7th September 1897.

FROM

A. M. SLIGHT, ESQUIRE, I. C. S.

PRESIDENT, MUNICIPAL COMMISSION,

C. & M. STATION, BANGALORE.

The file containing letters addressed to Bcre Commr. asking them to be more regular is under disposal. This reference may be filed. 21-9-97

To

The FIRST ASSISTANT to the

RESIDENT in MYSORE.

SIR,

With reference to para 6 of your letter No.3098 dated 28th July 1897, and clause (c) of sec.II of the Bangalore Municipal Law, 1897, I have the honor to submit for the information of the Resident, that the Commissioners noted on the margin have absented themselves from Municipal meetings from the periods noted opposite their names.

Residency Surgeon-	from June 1897.
Dy.Asst.Adjt.General	----Do------
Exec.Engineer Bangalore Division,M.W.	----Do------
T.Barton Esq. away in England on leave	from March 1897.

2. Mr.Barton went to England a few months ago, but is expected to return soon.

I have the honor to be
Sir
Your most obedient servant

President Municipal Commission
Civil & Military Station, Bangalore

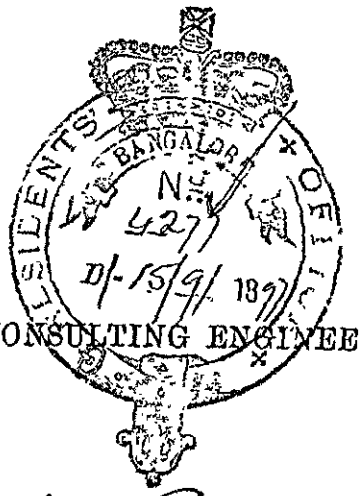
Sec. 46.

As I have noted elsewhere the law (Sec. 11 (1)(c)) says "more than 3 consecutive months" The above officers may (& probably will) attend meeting at end of this month. The first 3 have been written to do - Mr Barton's case is different.

File

21/9/97.

Consg. Engr.'s No. 11.



Madras, 13th September 1897.

No. 2962

From

THE CONSULTING ENGINEER FOR RAILWAYS,

MADRAS,

Feb 15/9

To

The Resident in Mysore.

SIR.

I have the honour to request you will be so good as to let me have a copy of Bangalore Municipal Regulations of 1883.

I have the honour to be,

Sir,

Your most obedt. Servant.

J. Forbes

for Offg. Consulting Engineer for Rys.

The Municipal Regulations of 1883 have been superseded by the Municipal Laws of 1897 a copy of which ought to be forwarded for perusal.

A.S.
17-9-97

Feb 18/9.

RESIDENT'S OFFICE.

Serial No. 516

[DRAFT].—For approval.

No. 3935 in /

Dated 21—9—— 1897

To The Consulting Engineer for Railways
at Madras.

S.65

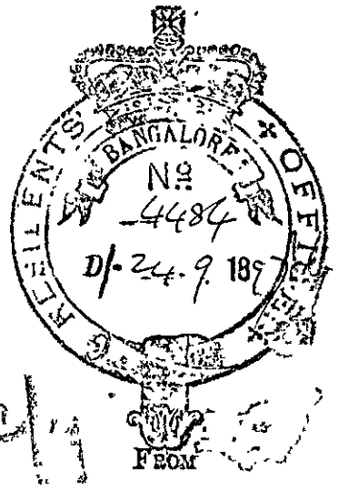
Sir,

With reference to your letter
№ 2962 dated the 13th instant, I am
directed to inform you that the
Bangalore Municipal Regulations
of 1883 have been repealed by the
Bangalore Municipal Law of 1897
a copy of which is enclosed -

I have, etc,

[illegible] 18/9.
First Asst Resident

A.J.
17-9-97



67

No. 3073 & 2 Encls.

CIVIL AND MILITARY STATION, BANGALORE,

MUNICIPAL OFFICE.

DATED 22/23 Septr 1897

A. M. SLIGHT, ESQUIRE, I. C. S.

PRESIDENT, MUNICIPAL COMMISSION,

C. & M. STATION, BANGALORE.

For perusal. It will be noticed that there have practically been no meetings of the Commrs and no matters referred to the Commrs since Ross left (except during the last 3 or 4 weeks). KOS 25/9.

To

The First Assistant to the Resident in Mysore.

Reg

SIR,

In compliance with your letter No. 3780 dated 13 Instant I have the honour to inform you that the Commissioners noted on the Margin comprise the Health Committee and to transmit herewith the record of their Proceedings since the Committee came into Existence

The Residency Surgeon Chairman
The Dy Asst Adjt Genl Bangalore Dt
Mr. P. L. Bride
M. R. Ry. B. P. Annaswami Mudr and R.B.
Khan Saheb Mahd ali Saheb K.B.

2. I enclose also a statement

Noti: Between 14.11.96 & 27.8.97 no matter appears to have been referred to the H.C. meeting any meeting held. 1, 11 Between 20.1.97 & 4.9.97 - Matters referred by the Commrs to the H.C. (To be obligingly returned at early convenience)

26/9 KOS 27-9.

Reg: They want this by the 29th to lay before Commrs at their meeting next Thursday. KOS.

67

of matters referred to the
Health Committee: in addition
to those taken up of their own
motion

I have the honor to be
Sir
Your most obed't Servant

T. Bates Capt
for President.

Statement of subjects referred to the Health Committee from 1st April 1896:- Vide letter No: 3073 dated 22nd September 1897, from the President to the First Assistant to the Resident.

No:	Date.	Subject
1245	16.4.96	Forwarding Late No: 1807/95 relating to the application to build from Mrs Lander for favor of opinion.
2450	29.4.96	Requesting the opinion of the Health Committee as to the use of the piece of ground in the Upper Alams Tank as a Polo ground.
2454	29.4.96	Forwarding letter from Mr. Swayanarayana Rad intimating his intention to submit a question at the next ordinary meeting as to the Causes of the strike among sweepers and requesting that a full report on the circumstances of the strike be submitted as early as possible.
2899	2.5.96	Forwarding for favor of opinion of the Health Committee, Memo No. 2551 dated 28-4-96 from the First Assistant Resident, enclosing a petition from certain ryots to allow them to Carry out their own house scavenging.
3111	11.5.96	Forwarding for opinion Memo No: 1723 dated 8th May 1896, from the First Assistant Resident enclosing a petition from certain residents of Blackpally re Conservancy &c.
3339	6.5.96	Forwarding for consideration the Complaint by Sub-Inspector of Police Mr Campbell, on the situation of Alams Night soil depot.

No:	Date	Subject.
341	6.5.96	Requesting opinion as to whether Messrs Spencer & Co might be prosecuted for allowing sewage water into the Nullah in Church street.
429	13.5.96	Forwarding ~~Letter~~ No: 1755 dated 11.5.96, from the First Assistant Resident enclosing petition from the residents of Vannarpett, requesting permission to Carry out their own house scavenging.
564	29.5.96	Forwarding Copy of Commissioners Resolution No: 11 dated 28.5.96 and requesting to be favored with the reasons of the Health Committee for their objection to the use of a portion of the Upper Mount Tank as a Polo ground.
570	29.5.96	Forwarding for expression of the opinion of the Health Committee Commissioners' Resolution No: 13 dated 28.5.96 on the subject of the reorganization of the Vaccination and Registration Branches of Health Department.
571	29.5.96	Forwarding for opinion Commissioners Resolution No: 12 dated 28.5.96 on the Complaint by Sub. Inspector of Police on the situation of Slaughter & night soil depôt.
573	29.5.96	Forwarding for opinion Commissioners' Resolution No: 5 dated 28.5.96 on an estimate ~~of~~ for Rs 3.170. for Constructing drains in Vannarpett
	8.6.96	Forwarding for report Estimate for Rs 975 for Constructing iron gratings for Kents of culverts across Main channel (Resolution No: 16 dated 25.6.96.)

no:	date	Subject
962	9.7.96	Suggesting a meeting between the Committee and the President or Engineer to Consider on any definite form of drains for Civil and Military Station
968	10.7.96	Forwarding copy of letter no: 2421 dated 6.7.96 from 1st Assistant Resident re levy of Conservancy Cess
1144	29.7.96	Proposal to Construct drain along the south side of Commercial Street.
1171	1.8.96	Requesting submission of an estimate for the erection of a few Horbury's latrines.
1176	1.8.96	Forwarding Commissioners Resolution no: 18 dated 30.7.96 for opinion of the Health Committee as to the Construction of water cart platforms at Slaw Tank.
	8.6.96	Forwarding for opinion Estimate for Rs 3860 for the Construction of a Conduit as extension of the old Conduit along Magrath Road (Resolution no: 17 dated 25.6.96).
943	29.9.96	Forwarding a proposal by the Health Officer regarding the Survey of a block of buildings between Commercial Street and Dispensary Road for the provision of new forms of drains for the block.
2047	5.10.96	Forwarding letter no: 2611 dated 20.7.96 from 1st Assistant Resident regarding the Bye-Laws on Private Latrines.

No:	Date	Subject.
2503	30.10.96	Forwarding letter no: 2025 dated 10.10.96 from the Officer in charge of Health department and Commissioners Resolution therein relating to the supply of good milk to Civil and Military Station.
2505	30.10.96	Forwarding copy of Commissioners Resolution no: 23 dated 29.10.96 regarding construction of drains along the Southside of Commercial street for submission of estimates for ally drains.
2781	14.11.96	Forwarding for information observations by Municipal Executive Engineer, of the overflow of the main Channel.
2567	27.8.97	Forwarding for opinion estimate for the construction of sheds, pondrette cisterns &c in the new Tannery Depo
2672	3.9.97	Forwarding Mr Marshalls resignation and requesting to be favoured with the opinion of the Health Committee as to the management of the Health department until his successor is appointed.
2675	4.9.97	Forwarding for opinion Conservancy Overseers Report requesting the removal of night soil &c by Mr Ladislaus Mudaliyar and others.
2803	9.9.97	Forwarding for the consideration of the Health Committee applications for the post of Health Officer.
2804	9.9.97	

J. Baker Captain
for President

RESIDENT'S OFFICE.

Serial No. 68

[DRAFT].—For approval.

No. 4022 Gen /

Dated 28th Sept 1897.

To

Pres. Munc Comm.

Sir

In returning the record of the Proceedings of the Health Committee ~~I am directed to~~ received with your letter No 3073 of the 22nd instant I am directed to state that the Resident notes that between the 14th November 1896 & the 27th ultimo no matter appears to have been referred to that Committee nor was any meeting held by the Committee between the 20th January last & the 9th instant.

867

I have

the

K.S.E

27-9-

BANGALORE MUNICIPAL LAW, 1897.

69

CORRIGENDA.

Page.	Section.	Line.	For.	Read.
2	21	7	gratuties	gratuities
4	76	4	buildings sites	building sites
4	98	33	use of of manure	use of manure
15	23 (1)	22	advice	advise
16	28 (2)	22	it	at
40	103 (2)	25	uuless	unless
44	124	2 of the marginal heading.	existance	existence
45	12 (*d*)	4	officer or rank	officer of rank
47	131 (2)	3	bnilding	building
49	137 (*e*) (*i*)	13	floor mills	flour-mills
49	137 (*e*) (*iv*)	18	fares	fairs
55	161	16	ommission	omission
62	182	21	sum	some

BANGALORE,

Dec 1897

The First Assistant [illegible] ent

in Mysore.

SIR,

I have the honor to forward herewith twenty copies of the Corrigenda slip to the Bangalore Municipal Law of 1897, and to request that you will be good enough to have the same --- affixed to the copies of the law forwarded with my letter No.2198 dated 2nd August 1897.

I have the honor to be

Sir

Your most obedient servant

J. Baker, Captain

for President.

The corrections have been duly made in the (12) copies of the Bangalore Mun'l. Law of 1897 this may be recorded.

B.M. 8/10/97

RESIDENT'S OFFICE.

Serial No. 70

[DRAFT].—For approval.
No. 4053.

Jle 294/93.

To

Dated 29-9-1897.

The President.

Munic: Comm:

Sir.

I am directed to acknowledge receipt of

S 54 and 55

your letters Nos 2505 and 2506 of the 24th ultimo - As regards the former I am to say that in addition to bye laws under the clauses mention by you, those under clauses (c) and (f) of the same section [32. (1)] of the Law shoned also, after they have received the approval of the Resident, be printed in English & hung up in some conspicuous part of the office of the Commission.

2. With the ~~The~~ second of your letters above quoted you forward for the approval of the Resident a copy of the bye laws passed by the Commission on the 19th ultimo under Section 32 (1) clauses

(c) and (f). The enclosure to that letter speaks of one bye-law only viz. under clause (c): there is no mention of a bye law under clause (f) but it is understood that the part after "Tax on buildings & Lands is meant to be the bye-law thereunder i.e. a delegation of it's powers by the Commission.

3. I am directed to convey the approval of the Resident to the bye-law proposed under clause (c) & to request that it may be published in the manner enjoined in para 1 of this letter. As regards the bye law proposed under clause (f), I am to convey the following remarks.

4. It is understood that the Commission proposes (1) that the duties imposed on it by Sections 54 (1) KSE ~~5, and 58~~ KSE and the powers conferred on it by Sections 54 (2), 58 (1) and 59 of the Law shall in future be respectively performed & exercised by the President; (2). That the objections contemplated in sections 156 (2), 57 (1) and 58 (2) shall, if made in time, be in future heard & decided by the President and at least 2 Commissioners one of whom

shall, if possible, be ~~the~~ representative of the Municipal Div^n in which the property, the assessment of which is objected to, is situate. and (3) that the powers conferred on the Commission by section 60 (1) and (2) be in future exercised by the President ~~subject to certain conditions~~.

5. If the above are the intentions of the Comm^n, the Bye Law should, the Resident thinks, be somewhat differently worded - it's last two clauses seem to be but an imperfect repetition of Section 60 clauses (1) and (2) / ~~with some additions for the guidance of the President~~. the provision of which it alters

6. I am to enclose a draft of a Bye Law under Section 32 (1) (f) of the Law which it is believed covers the proposals of the Comm^n or which the Resident is prepared to approve.

I have

etc.

Fwo 28/9

7. A.R.

71

No. 3218 with 1 enc

CIVIL AND MILITARY STATION, BANGALORE,
MUNICIPAL OFFICE.
DATED 1st October 1897

FROM

A. M. SLIGHT, ESQUIRE, I. C. S.
PRESIDENT, MUNICIPAL COMMISSION,
C. & M. STATION, BANGALORE.

Lieut. 1st Asst. R.
Res. p.p. in Rec 294
1893.
14/6.10.'97

TO

The First Assistant to the Resident
in Mysore.

Bangalore.

SIR,

With reference to your letter No. 3618 dated 1st September 1897, I have the honor to forward herewith for such orders as the Resident may consider necessary, Copy of Commissioners' Resolution, No. 2 dated 30th Idem, to the effect that the Resident be requested to nominate a Vice-President from among the Commissioners.

I have the honor to be,

Sir,

Your most obedient servant,

J. Baker Captain,

for President.

Res/
I have not got file.
Will Dr come & see if I have? There is no urgency about it.
HGB
9-10

Please keep till I get L. Broughton
Then write & tell Mr O'Shaughnessy
I want L. from him.
M
9/10

9/10 9-10

See d/o - Let me have file back sharp so that I can submit to Res. HGB. 16/10.

D/o issued. File received 16/10

294/93.

cdw

Abstract of Proceedings of Municipal Commissioners, dated 30th September 1897.

⊠ ⊠ ⊠

2. Letter No. 2507, dated 24th August 1897, from the President to the First Assistant to the Resident, forwarding Copy of Commissioners s Resolution, recommending the appointment of the Secretary as Commissioner and his momination as Vice President for a period of three years.

First Assistant Resident's reply to the above No. 3618, dated 1st September 1897.

Circular No. 2654, dated 3rd September 1897, from the President to the Commissioners on the subject.

Proposition by Mr. P.L.Bride, Municipal Commission-er, No. 1 Division, that the Resident be requested to mominate a Vice President.

Mr. Bride's proposition having been seconded by Mr. Sadasiva Mudalyar was put to the vote with the result that 10 Commissioners voted in favor of it and 8 ~~Commissioners~~ against, Thereupon Messrs. Bride and Dinshaw, M.Billimoria demanded a poll. The President then called the roll with the result that the proposition was carried as follows.

Voted for	Voted against
The Residency Surgeon.	The President.
P. L. Bride Esq.,	" District Superintendent of Police.
J. Sanaman Esq.,	" 2nd Magistrate.
Mohideen Khan Sahib.,	J. Oshanghnessy Esq.,
Muhomed Ali Saib.,K.B.	M.R.Ry.V.Gungadara Chetty.,
N.Meeran Saib.,	" V.Sundralinga Chetty.,
Aga Abdul Hussain Saib.,	" C.N.Suryanarayana Rao.,
M.R.Ry. Sadasiva Mudaliar.,	" V.A.Krishnaawami Mudaliar.,
Dinshaw.M.Billimoria,	
M.R.Ry. B.P.Annasami Mudalyar.,	

(signed) A. M. Slight.

President.

Copy

T Baker Captain.

Secretary to the President.

-----$-----

RESIDENT'S OFFICE.

Serial No. 92

[DRAFT].—For approval.

No.

To

Dated 16 Oct 189;

Dear Sir,

Colonel Robertson will be obliged if you will call and see Lewin at the Residency on Monday or Tuesday next between 12 and 2 pm if convenient to you

yrs truly

by K. D. Erskine

The Secretary -

Brit. Res. Letter Letters.

16/10

J. B. Humphreys Esq.

73

Cantt.

Bangalore
16th Oct 97.

Dear Sir.

I shall have much pleasure in waiting on Colt Robertson at the Residency on Monday next at the time appointed - between 12 & 2 P.Mrs.

Yrs very truly
J. Thompson.

RESIDENT'S OFFICE.

2/4/93

Serial No. 74

[D R A F T].—For approval.

No. 4376

Dated 18. Oct. 1897

To Proceedings of the Resd. in Mysore

Read again:

Letter N: 2507 dy. the 24. augt. 97

from the Resdt. to Govt. C. to Govt. Spr.,

Bangalore, forwarding a Copy of a

Res: of the Commissioners recommending

the appointment of the Secy: as Commr.

and his nomination as Vice-President

for a period of three years.

" Letter N:. 3618 dy. the 1st Sep:. 97

to the Resdt: in reply to the above.

Read.;

Letter N:. 3218 dy. the 7. Oct: 97.

from the Resdt. to Govt.,

forwarding for such orders as the

Resdt. may consider necessary, Copy

of a Res. of the Commrs., N: 2 dy

the 30: Sep.: 1897, to the effect that

the Council be called to nominate a Vice-President from among the Commrs.

Order — 1:

Under Sec. 13 of the Bangalore Municipal Law, 1897, the Council is pleased to appoint Mr. J. O'Shaughnessy Esq as Vice-President of the Mc. Com: of the C. & M. Station of Bangalore, for a period of three years.

DG

18/10

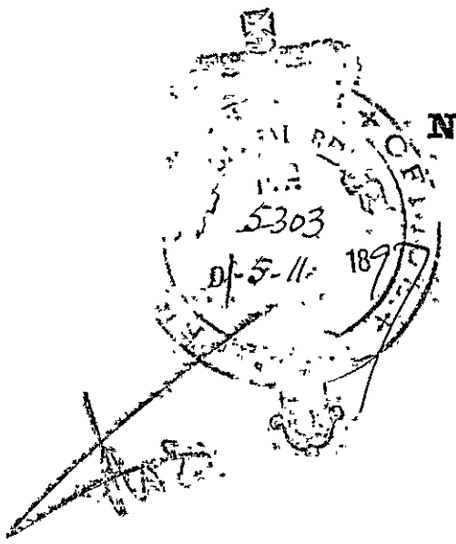
V. Chairman

18.10.97

To

The President Mc. Com: C. & M. Sta: of Bangalore

J. O'Shaughnessy Esq



H. O.
6 —1,000—19.10.97.

No. 3785 & Enclosure

77

CIVIL AND MILITARY STATION, BANGALORE.

MUNICIPAL OFFICE

DATED 3rd November 189 7.

FROM

A. M. SLIGHT, ESQUIRE, I. C. S.

PRESIDENT, MUNICIPAL COMMISSION,

C. & M. STATION, BANGALORE.

SC 75

To

The FIRST ASSISTANT to the RESIDENT in MYSORE,

B A N G A L O R E.

Placed in File cr 183/99

SIR,

With reference to your letter No: 4053 dated 29th September 1897, I have the honor to forward herewith a copy of Commissioners' Resolution No. 1 dated 21st October 1897, approving of the Bye-laws suggested by the Resident in the letter under reference, and to request the Resident's approval to the same.

I have the honor to be,

Sir,

Your Most obedient servant,

T. Baker, Captain.

for President.

29/97.

CMS

Abstract of Proceedings of an Adjourned Special Meeting of the Municipal Commissioners held on the 21st ~~instant~~ Oct 1897.

Resolution of the Commissioners dated 19th August 1897 approving of the Bye-law framed by the Bye-law ~~Sub~~-Committee under Section 32 (1) (e) and (f) Bangalore Municipal Law, 1897.

Letters Nos: 2505 & 2506 dated 24th idem from the President to the First Assistant to the Resident in Mysore and his reply No:4053 dated 29th September 1897 on the subject.

Proposed by the President that the draft Bye-laws suggested by the Resident in his letter No:4053 dated 29th September 1897 be accepted in place of that formerly approved.

Resolution - Carried Nem Con.

(Signed) A. M. Slight.,
President.

C O P Y

T Baker Captain.
Secretary.

RESIDENT'S OFFICE.

Serial No. 76

[D R A F T].—For approval.

No. 4889

To

Dated 16—11— 1897

The Pres. Mc. Com

C. M. Stn

Sir

With reference to Correspondg with
your letter No: 37887 dtd 3rd
instant, I am dir: to convey the
Resident's approval to the bye-
law under clause (f) of Section
32 (1) of the Bangalore Munici-
-pal Law, as was passed by the
Municipal Comm. and to request
that it may be printed in English
and hung up in some conspicuous
part of the office of the Comm.

I am &c

Asst 15/11

Dy Asst Secy

14.11.97.

The Gazette of India - 1st January, 1898: Part II
Page 14

8

879 of 80 Revised
1 file. 1884(99)

Civil and Military Station, Bangalore.

Notification

Municipal Office

Dated 11th December 1897.

N 4574.— Under the provisions of Section 44, Sub-section 8, it is hereby notified that the Municipal Commission of the Civil and Military Station of Bangalore, with the sanction of the Resident in Mysore, direct that the tax on buildings and lands be levied at the rate of 6 per cent. on the annual value thereof with effect from the 1st day of April 1898.

(Signed) A. M. Slight,
President

H. O.
—1,000—19.10.97.
6

No. 5895 and 1 encl

52

CIVIL AND MILITARY STATION, BANGALORE,

MUNICIPAL OFFICE.

DATED 24th January 1898

FROM

A. M. SLIGHT, ESQUIRE, I. C. S.,

PRESIDENT, MUNICIPAL COMMISSION,

C. & M. STATION, BANGALORE.

To

The FIRST ASSISTANT to the RESIDENT in MYSORE,

B A N G A L O R E.

SIR,

With reference to your No: 3619, dated 1st September 1897, and Notification No: 4544, dated 11th December 1897 published in part II Gazette of India dated 1st instant, I have the honor to forward, for favor of Resident's confirmation, resolution No. 3, of the Commissioners, dated 20th January 1898 under Sectio 46(2), Bangalore Municipal Law, 1897, exempting from House Tax, every house, building or land, the annual value whereof is less than 15 Rs., and which is the sole rateable property of the owner

I have the honour to be

Sir

Your most obedient servant

Captain.

for President.

294/98.

cad

Abstract of Proceedings of a Special Meeting of the Municipal Commissioners dated 20th January 1898.

X X X X

3. Resolution No. 3 of the Commission, dated 19th August 1897, exempting from taxation every house. building or land, the annual value whereof is less than 15 Rs., and which is the sole rateable property of the owner.

Letter No:3619, dated 1st September 1897, from the First Assistant to the Resident on the subject.

Proposed by the President, seconded by Mr. H. Abraham, that the Commission exempt from the tax on buildings or lands, every house, building or land, the annual value whereof is less than 15 Rs., and which is the sole rateable property of the owner.

Carried unanimously.

(Signed) A. M. Slight

President

C O P Y

T. Baker Captain.

Secretary.

RESIDENT'S OFFICE.

Serial No.

[DRAFT].—For approval.

No. 623

Dated 9th Feby 1898.

To The President Municipal Commission,
C & M Stirling Douglas

Sir,

With reference to the correspondence
ending with your letter N. 5895 dated
the 24th ultmo, I am directed to state
~~that~~ under sec: 46 clause 2 of the
Bangalore Municipal Law, 1897, the
Resident confirms the resolution
of the Commission, N. 3 dated the 20th
January last, exempting from the
tax on buildings & lands every house,
building or land the annual value
whereof is less than Rs 15/- & which
is the sole rateable property of the
owner

I have, etc,

A.82

N. 7-2-98

Asst Secy to Resident

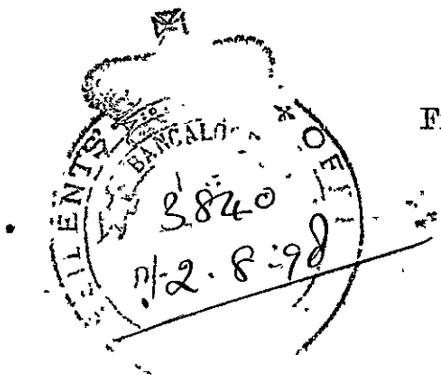
H. O.
6 1,000—19.10.97

No. 2796 with 1 Encl.

CIVIL AND MILITARY STATION, BANGALORE,

MUNICIPAL OFFICE.

DATED 27. July. 1898



FROM

A. M. SLIGHT, ESQUIRE, I. C. S.,

PRESIDENT, MUNICIPAL COMMISSION,

C. & M. STATION, BANGALORE.

To

The FIRST ASSTSTANT TO THE RESIDENT

in MYSORE

B A N G A L O R E.

SIR,

I have the honor to forward for the consideration of the Resident the accompanying Statement of defects in the Bangalore Municipal Law 1897 which have come to notice during the past year.

2. The statement will afford full information as to the reasons for considering the Law defective and the remedial measures proposed. Some of these defects are of such a nature as to preclude the making of certain Bye-Laws which are considered necessary for the good of the Municipality.

3. Should the Resident approve of the proposals now formulated I would suggest that the Government of India be moved to make the necessary

amendments in the Law.

I have the honor to be

Sir,

Your most obedient servant,

President, Municipal Commission,
Civil & Military Station Bangalore.

Statement of defect in Bangalore &

27/30

Section of B.M.C (Amended)	Defect noticed	Remedy
61	Does not provide for the recovery of taxes from occupiers in default of payment thereof by owners.	The following Provided that the occupier may be not the occupier there if the said owner within Seven days provided in section 186 Served on the occupier amount due may be

I have not heard that any proceedings have been taken in this respect by Mr

2/11

additions to section 61 (1) of the owner of such property for the time being, and fail to pay the amount due upon service of notice of demand as in clause (b), the bill may be of the said property and the recovered from him as if it

The proposed provision exacted hitherto under Section 87 B. Bn. R. 1883 and is similar to the provision of Section 209 Bombay Municipal Act of 1888.

But see Sec. 121 of the Madras Act and Sec. 146 of the Calcutta Act. Sec 60 of the Bengal Act.

does not provide for the laying out of new streets by private persons.

It seems time legislature in course of receiving - have no power of any person - do not know

2/1

it was done by him, to credit therefor pri- primarily responsible

Addition of the

Every person who any new street shall to the Commission, level and width of and width of every as approved of by the whoever lays out any such street with the level and the approved of, shall be exceeding five hun Commission may, any such street laid on width otherwise with the level or width as aforesaid to be any building, less otherwise than in level and width removed, and the shall be laid thereto and be recoverable as such level or width be on disapproval of the be signified by the Com the intended street may be level and of the width

and he shall then be entitled to account with the person for the payment of the same.

Proceeding as Section 76A.

If any person who wishes to make an layout to give notice in writing thereof showing the intended such street, and the level such street shall be fixed by Commission; and if he makes any buildings upon intended line in accordance with such width so fixed and shall be liable to a penalty not exceed Rupees; and the Commissioner if it thinks fit, cause such work made at a level than in accordance with so fixed or approved or altered, as may cause ted in any such street, accordance with such be altered, as if necessary, persons thereby incurred them by the offender aforesaid provided. If no fixed, and no approval level in which proposed mission within two months aforesaid and made upon the specified in the notice.

The provision proposed is identical and is in accordance with Section 114 B. Bo. R. of 1883 which is almost identical with Sections 213 and 214 of the Calcutta Municipal Act of 1888.

But see also 81 of the Bengal Act

82 does not provide against doors &c. opening outwards upon a public street so as to cause obstruction

as the 74th 76th points at the Thirteenth Commissioners have the power to control the construction of doors in the case of the erection of a building. 22/1

The additions as Section 82 (3) All doors, gates, windows &c. not complying with this law, which shall be hung or outwards and if any such door be hung or placed on any such street the Commissioner the owner or occupier which the same is to same within 8 days notice, so as not to

96 does not provide for the demolition of insanitary buildings.

I think the existing powers under Sec 93. 95-96. 98. 100 Municipal Act are sufficient to meet the proposed case. Mr L. that suffices. Buildings to be pulled down in Bangalore to remedy such defects are dealt with under Sec 116 (f) of the Municipal Act. Mr Rees deals with the Structure of houses &c. only. The powers herein contained etc. only be exercised with the sanction of the Board 22/1

The additions as Section 96 (3) If in the opinion of the Commissioner any shed, used either as a dwelling or any other purpose, is built without a plinth of the required height or without proper provision for the escape of the inmates thereof in case of fire, or is otherwise unsafe, or is so overcrowded as to be dangerous to the inmates or to the neighbourhood, or to endanger the public health, the Commissioner

of the following clause

"]

bars, and ground floor
after the Commencement
open upon any public street,
placed so as not to open
cause obstruction; and
have bars on windows
so as to open outwards
and cause obstruction
may by notice require
[illegible] of the premises to
attached to alter the
from the service of the
open outwards.

---

following as 46 A.
of the permission any hut
dwelling or as a stable or
likely, by reason of its being
on upon a plinth of insufficient
bars of drainage, or on
cavility of scavenging or
in which it and other hutson
together, to cause risk of
thereof on to the inhabitants
or is for any reason likely
health or safety,
may by written notice, which

shall

This provision of law is
necessary for the avoidance of
obstruction and danger to the
Public, the proposed addition has
been adopted from Section 120 of
the Regulations of 1883 which is
almost identical with section 219
of the Calcutta Act II of 1888.

See 28th Sec. Bombay Act 4 sec. 321 of
Reg. Bombay Act; but see also sec. 87 of
the Bengal Act

It is very desirable that the
Commission should have the
proposed control over insanitary
buildings. This control was
authorized by section 116 Bangalor
Municipal Regulations of 1882
and a similar provision is
contained in section 380 of Bombay
Municipal Act of 1888, from
which the proposed amendment
is copied.

shall be applied to ...
... branch hunt on ship, ...
... accompanied by ...
... on which branch hunt ...
... an offence branch hunt or ...
... order for the inspection shall ...

103 (1) No definite provision is made for the licensing of places used for depositing or storing hides, skins, horns, salt or dried fish.

For section 103 (1) substitute:

"(1) No person shall carry on the business of depositing hides, skins, horns, or salted or dried fish in any place unless he is the holder of a licence in that behalf granted by the Commissioner or by such person as he may appoint for the purpose, and subject to such conditions as may be specified in the licence."

35 Empowers the Commissioner to enter into and inspect places for sale of food or drink etc and to seize unwholesome articles exposed for sale but does not, except in the case of drugs, make any provision for the settlement of disputes when owners of articles dispute the opinion of the inspecting officer as to their unfitness.

Delete the words in section 135, and for the word "Same" substitute "Such". Delete the sentence with the words "on such conviction" enter.

"Upon the sale of food or drink the person on the premises in whose found consents, he

same conspicuous part ---
require the owner or
the owner of the land
on which stands to remove
sold or to take such
ement thereof as the
deem necessary

line 8 after the words "woolen
on steaming hides, skins,
dried fish"

"and remove" from line 9
the same line after the
word full stop for Comma
commencing in line 9
may cause it" down to
in line 11 and there after

Seizure of any article
same may, if the owner
possession the same is
which destroyed or

20

Such trades are always more
or less offensive. They might come
under the general description in
Section 103 as businesses from
which offensive or unwholesome
smells arise but every individual
case would have to be proved
on its own merits. Such trades
are specifically mentioned in
corresponding Sections of other
Municipal Laws.
... 332, Bombay Act 394, Calcutta Act
Sec 346 & Rangoon Act 103 (17?)

The duty of inspection under
this Section must of necessity be
entrusted to subordinate officers
in whose hands it would not
be safe to put the power of
destroying articles entirely on
their own responsibility.
... Sec 100, Rangoon Act
Bombay Act Sec 415-417, Calcutta Act
Sec 363 and Rangoon Act Sec 367

disposed of as
as food are drunk by a
person in whose posse
do not consent, then
Officers of the Jurisdi
to whom the same
same is unfit for
under the same to be
of or to prevent it
drunk, and the Jurisd
fit, prosecute the
whose possession
person not being
thereof, and be liab
liable to a fine not

Sec 135 as it stands appears to me
entirely unobjectionable - the power of
Supervision can be effectively supervised
by limiting the authorisation to the
inspection by (say) the Health Officer, & one or
more trustworthy & dependable Officials -

22/11

27/11/47 - There is no authority for the
licensing of owners or occupiers
of premises in which food
Animals are kept for hire or for
profit.

Sec 146 it probably be
found better for the purpose of
enforcing that an owner or occupier
of such premises keep known
his name & permanently the object of
his proper attention.

Substitution of the f

a) The Commissio
(a) renders
(ii) for the
of Vehicles
for hire
(ii) for the
premises
carcase, o
for sale
produce

And fix the fees
the conditions
granted an

to present it being used
by the owner on the
occasion the same is found
by it appear to the Medical
Section or to any Magistrate
may be brought that the
liquid or drink be shall
destroyed or so disposed
being used as food as
Commissioners may if they think
owner on the person in
the same is found, such
by as carrier or bailee
upon conviction be
exceeding Rs 10/-.

allowing for present 137 01 (a)
may by Bye-Laws.
licenses necessary.
proprietors or persons
animals kept or plying
or for profit within the Station
who or occupies of any
used for keeping horses,
other four footed animals
for hire or for sale of the
thereof.

payable for such licenses and
on which they are to be
may be revoked.

The amendment of the Law
is necessary in order that
efficient control may be provided
in the Regulation of 1888 this
Control was provided under
Section 136.

Please see my letter dated 28. July,
No: 2851

See sec 119 (1) (a) 2 Mr Shajahanpur, sec
136 of the Berar of 1883, secs 335 (1) (a)
2 Mr Calcutta Act, sec 394 of Mr [illegible]
Act and sec 335 of Mr [illegible]

137(1)(a)(i) No provision is made for the inspection and regulation of carts and stands.

After the words in section 137(1)(e)(i) insert "or any specified nuisance" and after the word "injury" in section 137(1)(e)(ii) add "or"

137(1)(e)(ii) Does not provide against the defacement of public property

137(1)(e) Section 103 provides for the licensing of places for use in connection with offensive and dangerous trades, but section 137 does not empower the Commission to make By-laws for their Control.

The addition of as 137(1)(e)(viii) "For the Control of premises used for purposes mentioned in section 103 Manufactures"

137(1)(e) Does not provide any authority for regulating the transport along streets of articles from which offensive or unwholesome smells are likely to arise.

The addition of the words "For regulating the transport of skins, hides, or any other specified offensive or unwholesome smells"

"Encamping grounds" | It is very desirable that Cart stands be kept under control. This control was formerly exercised under Section 136 B. M. R. of 1883.

insert the words "Cart stands"

(iii), after the words | The provision proposed seems necessary in order that there may be power to prevent the sticking of posters on avenue trees, and such like defacements. There is no provision in this respect under the Law as at present constituted

defacement of". | Please see my letter No: 2/92 dated 2 July 98

the following clause | Efficient control would be more satisfactorily provided for by Bye-Laws, such as are in force in Bombay than by merely attaching conditions to licences.

and supervision of all any of the purposes 103 and of all trades and carried on therein. | The proposed addition is copied from the City of Bombay Municipal Act 1888.

the following clause as 137 (1)(viii) | It has been brought to notice by the

Sanitary Commissioners in Madras that the

Bones and manures of bones, salt fish and bones articles from which offensive smells are likely to arise. | transport of hides and skins may be the means of spreading anthrax, and the carting of other offensive articles if entirely uncontrolled is apt to become a public nuisance.

137 (1)(c)	Does not provide any authority for regulating traffic in streets.	The addition of the 137 (1)(c)(ix) For regulating streets
151	The provisions of section 151 as to the lights to be carried by Vehicles at night are insufficient and as the Law now stands the more stringent provisions of existing Bye-Law 21:18 Clauses I & II would if contravened, have to be held to be "extra vires"	After the word 151 strike out the words "race" and after the strike out the words" light to render lamps

The danger is perhaps over stated the Law might however [illegible] Attend to this point might be noted the underlined in pencil

following clauses as

safety and order in the

Chapter VI of the B. M. A. whilst providing for the safety and convenience of the public to a certain extent does not contain any provision for such matters as driving on a particular side of the road, restriction as to the training or breaking in of horses, playing of musical instruments &c &c. which it is desirable should be controlled.

Street" in 1st line of Section
" at more than a walking
word "Lamps" in line 3
as there is sufficient moon
unnecessary."

The law as it stands at present permits of Vehicles being driven without lights, at a walking pace on any night, moon light or otherwise, and at any pace on moonlight nights. This is a source of much danger not only to pedestrians who may on moonlight nights be suddenly come upon, in places where the road may be in shadow, but also to the drivers and passengers of Vehicles with lights that may meet a cart without lights at a sharp turning &c &c.

152	Does not provide against the flying of kites on, or across the public road.	Alter the word Section 152 enter public road or
159	There is no penalty for the neglect of a corpse under Conveyance for burial or cremation.	Add section 159a to the Public" enter "or corpse in any public likely to cause enter

balloons" in line 2 of "or flies kites over the same or"

Provision proposed is necessary for the safety of the public

As the Law stands, it would be necessary in each case to prove that the manner in which the kite was being flown was actually dangerous, which would be very difficult

× rather "likely to be"

after the words "annoyance" deposits or leaves a street or place in a "manner annoyance"

Annoyance is frequently caused by the bearers of corpses, especially such as have died of cholera or other such diseases, depositing them in a street either for a little time while they go to buy drink, or abandoning them there altogether. The law does not provide for preventing this.

I do not think this is necessary. Men can be taken up when a nuisance is made by them under the present law

22/1

President, Municipal Commission,
Civil & Military Station Bangalore.

ced

RESIDENT'S OFFICE. SC 86 removed Mpl 183/199

Serial No. 87

File No.

[DRAFT].--For approval.

No. 4080

Dated 28 June 1898. To

The Resdt: Mr. Cam:

C. & M. Station

Sir

With your letter No: 2796 of the 27. July 98 you forwarded for the Resident's Consid^n a Statement of defects in the Bangalore Municipal Law, 1897, which has come to notice during the year since the introduction of the Law.

S. 85

2. I am now directed to communicate the Resident's observations on the Statement that accompanies your letter and will deal with each item in the order given on that Statement:-

(1). Sec. 61 is said to be defective in that it does not provide for the recovery of taxes from occupiers in default of payt thereof by owners.

~~Secn to Lay~~ that the Resolution has not taken that any practical difficulty has as yet arisen in regard to this point.

(2) Sec: 96 as Laid not to provide for the laying out of new streets by private persons.-

This seems to the Resolution legislating in advance of necessity. There are, ~~Secn to Lay~~, probably very few, if any persons who want to lay out streets.

(3) Sec. 82. is Laid not to provide against doors ~~&~~ opening outwards upon a public street so as to cause ~~obstruction~~. With reference to this

I am to point out ~~in regard to Municipalities~~, that the Municipal Corpn seem already to have the power to control the construction of doors in the case of the erection or (re-erection of any building (Sections 83, 84 & 85) and this power seems sufficient

4). Sec. 96. is. Laid not to provide for the demolition of insanitary buildings The Resolution thinks that the existing powers under Secs: 93, 95, 96, 99 & 100 of the B. M. A. Chalt suffice. All

(Continuation of ~~Note or Precis~~).

regulated building. Sanction & Legislation has proceeded so far in Bangalore ~~to render a~~ ~~proceeding~~ such as Not has been passed in the Cantonment Municipality or effective. Sec. 116 of the Municipal Regn of 1883 deals with blocks of houses, and the powers therein contained could only be exercised with the sanction of the Resident

(5) Sec. 103 (1). is said not to contain any definite provision for the licensing of places used for depositing or storing hides, skins, horns, salt or dried fish, and that provision is suggested -

This addition seems to the Resident unnecessary - If the skins etc are offensive the owner should, I am to point out, be made to apply for a licence: the clause applicable would be a place of business [illegible] which offensive or unwholesome hides, skins, horns Smells arise are ~~Moreover not~~ necessarily offensive

M. Clarke
Your draft won't do?

(6) Sec. 135 Certain amendments in this Section are suggested so as to provide for the settlements of disputes when owners of articles dispute the opinion of the inspecting officer as to their unfitness.

~~Colonel Robertson's Amendments~~

This Section as it stands appears to Col. Robertson entirely unobjectionable — the power of oppression can be effectually safeguarded by limiting the authorities to enter and inspect to, say, the Health Officer or one or more trustworthy & dependable officials

(7) Sec. 137 (1) (a) is said not to contain any authority for the licensing of owners or occupiers of premises in which farm footed animals are kept for hire or for profit.

I am to point out that Sec. 146 will probably be found sufficient for the purpose of ensuring that ~~a~~ the owner or occupier of such premises keeps them clean. This is presumably the object of the proposed alteration as set in the Act

(Continuation of ~~Note or Precis~~).

(8) Sec. 137 (1) (a) (i) is said to contain no provision for the inspection and regulation of cart stands, and,

(9) Sec. 137 (1) (a) (iii) is said not to provide against the defacement of public property, and

(10) Sec. 137 (1) (a) is said to be defective in that it does not provide any authority for regulating the transport along streets of articles from which offensive or unwholesome smells are likely to arise.

Some such provision as that shown in the Statement in regard to the above three items may be justly desirable, but is hardly of sufficient importance to justify a special reference to the G. of India

(11) Sec. 137 (1) (a) is said not to empower the Commissioner to make bye-laws for the control of places used in connection with offensive or dangerous

traders

The President, Sanitary is of opinion that the existing provision is sufficient

---

(12.) Sec. 137 (1) (2) is Local & should provide any authority for regulating traffic in Streets.

Same to invite attention to Sec. 31 of Act No. 5 of 1861 (Regs of Police). & to state that this seems to provide sufficiently for what is required

(13) Sec. 151. The provisions as to the lights to be carried by vehicles at night is said to be insufficient. Same to state that the danger is perhaps overstated in the reasons assigned for an amendt. The law might however be altered and this point will be noted & the Secretary in a reference to Govt. when one is made.

(14) Sec. 152. The Bills as it stands

(Continuation of ~~Note or Precis~~)

does not appear to have been correctly
stated in the "Remarks" Column
~~to the Clerk. Jer? with your letter~~
The flying of kites may be a game indulged in in such manner
~~& so~~ as to cause or be likely to cause danger to persons passing
~~kites in dangerous or likely~~
by etc... but there will not always be danger and such this or
~~if in the danger or liability of~~
the liability of danger must be proved, ~~& there~~
~~is not always danger~~

(15.) Sec 159. is said to contain no
penalty for the neglect of a coroner
under Convictions for breach or
Conviction -

The Revd. does not think this
is very explicit - It will be noted
the included in a reference to
Govt. when one is made.

3. The Convention Sam to explain
that the Revd. does not consider
it necessary to trouble the G. of S.
with a reference connected with
the ~~Repeal~~ amendment of a law of recently

[illegible] which has designedly
framed on a particular model,
and from the operation of [illegible]
which no special [illegible]
appears, [illegible] to have arisen.

Jam el

KSE 26/1.

Dr Andrews QC

4/26/1

Code. Class. 28 INDIAN TELEGRAPHS. Monthly Number. 11

RESIDENT'S OFFICE, BANGALORE

To (Office) Rairpal From (Office) Victoria Terminus

Register No. 183 Date 18/1/03. Received 1/2/03.

Words.	Day.	Hour.	Minute.	Official Instructions.
626	18	5		Ref. F.J.P.

To (Person) First Assistant Resident Mysore

From (Person) Resident Mysore

Following telegram dated 15 January from Madras legislative dept Government India request- This Government furnish director general supply transport copy bangalore municipal law 1897 with amendments to date if you can spare copy will you kindly send direct ~~to~~ intimating fact to us ends please send copy and advise Madras-

Resident BANGALORE 18-1-03

64 Word Form. F.C.2.

Recd. from LN At Hrs. Mts. by

Sent to CN. At Hrs. Mts. by

Telegraph Master.

J & P—No 163 T—17 2 1902—10000000

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RESIDENT'S OFFICE.

Serial No.
File No. 254
1873

[DRAFT.]—For approval.

From

R. C. H. MOSS KING, Esq., I. C. S.,
1st Assistant to the Resident in Mysore.

To

The Director General
of Supply & Transport
Simla

Sir,

As desired by the Government of Madras in the Legislative Department, I am directed to forward a copy of the Bangalore Municipal Law, 1897.

I have etc,

Sd. R.C.H. King
1st Asst to Resident

Mr.
19/1/03

Author draft ltr.

C. 20.1

RESIDENT'S OFFICE.

Serial No.

File No. 294

[DRAFT.]—For approval. 1903

From

~~Col. Sir Donald Robertson, K.C.S.I.,~~
~~R. C. H. MOSS KING, Esq., I.C.S.,~~
~~His Assistant to the~~ Resident in Mysore.

To

The Secretary to the Govt
of Madras Legislative Dept

Sir,

I am directed in your telegram dated the 15th January 1903, I have the honour to state that a copy of the Bangalore Municipal Law, 1897 was this day sent from the Director General of Supply & Transport Simla

I have, etc,

Sd. R. Knox
for Resident

No. 243
21 January
1903

1.88

H.
19/1/03 C. 29.1